This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

THE LIBRARY OF CONGRESS
1800

Class HD234
Book C45A3
1911

WHITE EARTH RESERVATION

No. 17

HEARINGS

BEFORE A

515

U. S. Congress, House

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 2, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

HD234
.C45A3
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

D. OF D.
MAY 27 1910

WHITE EARTH RESERVATION.

MORNING SESSION.

FRIDAY, FEBRUARY 2, 1912.

Same appearances as previously.

Mr. BURCH. Mr. Chairman, I have just received a copy of a letter, addressed to the Commissioner of Indian Affairs, from Maj. John R. Howard, superintendent at White Earth Agency, under date of February 1, 1912.

Mr. GRAHAM. An official communication?

Mr. BURCH. Official. It is a copy of an official communication to the Commissioner of Indian Affairs, containing a complete statement of the number of allotments and the number of unallotted Indians, and so forth, supposed to be the most correct and authentic matter up to date.

The letter was marked "Burch's Exhibit 55," and was read in evidence, as follows:

BURCH'S EXHIBIT 55.

WHITE EARTH, MINN.,
February 1, 1912.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to office letter of January 23, 1912, requesting information concerning the Mississippi Bands of Chippewa Indians, in answer to questions asked by Hon. C. B. Miller, I herewith submit the following answers thereto, viz:

The following allotments to the Indians of the bands above named, under the act of Congress January 14, 1889, and treaty of 1867, have been made, viz:

	Allotments.
White Earth Band	1,803
Otter Tail Pillagers	897
White Oak Point	225
Removal Mille Lac	931
Gull Lake	378
Total	4,234

The following allotments, under the act of Congress of April 28, 1904, to said Indians have been made, viz:

	Allotments.
White Earth Band	1,285
Otter Tail Pillagers	577
White Oak Point	195
Removal Mille Lac	716
Gull Lake	378
	3,068
Under treaty of 1867, 185 Indians took 160 acres of land, 80 acres of which may be considered as additional allotments	185
Total	3,253

The following Indians have received no allotments, and, if living, are entitled to allotments under both of the acts of Congress above mentioned, viz:

White Earth Band	18
Otter Tail Pillagers	1
White Oak Point	4
Removal Mille Lac	67
Gull Lake	18
	98
Nonremoval Mille Lac Indians upon removal to White Earth Reservation, born before July 21, 1900, entitled to allotments	172
Total	270

The following bands of Indians are entitled to one allotment of 80 acres for each Indian, and have received allotments as follows, viz:

	Allotments.
Removal Leech Lake	376
Cass Lake and Winnebegoshish	67
Fond du Lac	108
Total	551

The following appear to have taken no allotments, viz:

Removal Leech Lake	3
Cass Lake and Winnebegoshish	2
Fond du Lac	3
Total	8

The Pembina Band is confined to allotments upon township 144, range 42. The Indians of other bands were not allowed to take allotments in this township. There are no more lands subject to allotment upon this township.

Pembina Band, allotments	303
Pembina Indians born before July 21, 1900, who are still unallotted	62

Following is a statement of children born since July 21, 1900, as shown by the census of June 30, 1911:

White Earth Band	727
Otter Tail Pillagers	224
White Oak Point	83
Removal Mille Lac	334
Gull Lake	121
Removal Leech Lake	61
Cass Lake and Winnebegoshish	19
Fond du Lac	29
Pembina	121
Nonremoval Mille Lac	93
Total	1,812

I believe that the foregoing answers cover the points required in Mr. Miller's questions.

The copy of Mr. Miller's letter is herewith returned.

Very respectfully,

JOHN R. HOWARD, *Superintendent.*

Mr. GRAHAM. Have you the letter to which this is a reply?

Mr. BURCH. The chairman will observe that he says the copy of Mr. Miller's letter is returned. We can get the letter, to which this is a reply, from the department, but we have not a copy here.

Mr. GRAHAM. It makes the answer more intelligible to have also the letter which calls it forth.

Mr. BURCH. I suppose this was sent here, so that the committee might have the very latest estimates upon the subject, as well as the

Commissioner of Indian Affairs. If Mr. Garham, of the Wild Rice or Park Rapids Lumber Co., is here, I will call him to the stand. Mr. Powell brought him here yesterday and introduced him to me, and said that he would take the place of Mr. Glass, who had gone to California, and give the same matters that we expected to prove by Mr. Glass. Well, later in the day I may ask him to take the stand. In the meantime I think that Mr. Beaulieu called yesterday for some information from Mr. Linnen in clearing up some questions.

E. B. LINNEN recalled:

Examined by Mr. BURCH:

Q. Mr. Linnen, Mr. Beaulieu, in interrogating you yesterday, or perhaps the day before, desired to have certain affidavits and names of persons who made them, so that he might be prepared later to answer them. Have you gone through the affidavits that are here for that purpose?—A. I have made a hurried examination, and have picked out the numbers of about 45 affidavits wherein he and Ben Fairbanks and his brother, Bob Beaulieu, are mentioned in connection with the purchase of lands and timber, and the making of affidavits, or procuring them to be made, etc.

Q. I do not understand whether you are to produce all of these or whether Mr. Beaulieu desires to ask you questions about them. I would suggest that Mr. Beaulieu question about that matter, so that he may be thoroughly posted.

Mr. BEAULIEU. He stated here yesterday—read in his report—that I had personally made affidavits declaring that full bloods were mixed bloods, and that is what I want to know about.

Mr. GRAHAM. Just inquire concerning the things you want, Mr. Beaulieu.

Mr. BEAULIEU. I want to know the names of those of whom I made affidavit that they were mixed bloods.

A. The statement made in the report concerning Mr. Beaulieu was as follows:

> We find no discrimination made in the deals of Gus Beaulieu and Ben Fairbanks as to whether Indians were full bloods or mixed bloods. When Messrs. Beaulieu and Fairbanks, also Mrs. Hodder, of Pine Point, purchased any timber no discrimination seems to have been made. In fact, all Indians looked alike to the buyers; and Mrs. Hodder was willing to set down any and all Indians as mixed bloods, and Gus Beaulieu made frequent affidavits that Indians were mixed bloods, in order to secure fee-simple patents, who have since been proved full bloods.

Mr. BEAULIEU. Now, this is just what I want to find out. I simply want him to name over those persons about whom I made affidavits.

Mr. GRAHAM. Ask him what you want. Call his attention to the things you want.

WITNESS. Again I would say that I have about 45 affidavits that I have selected implicating Mr. Beaulieu in various ways with these deals, in accordance with the statements as contained in this report. I would be very glad to read that portion which affects him.

Mr. BEAULIEU. Mr. Linnen, I ask you to produce the affidavits that you state I made, showing that a full blood was a mixed blood.

WITNESS. You——

Mr. BEAULIEU. No; I am asking you.

WITNESS. You have not given this report credit for the statement it makes. I will read it again to you:

And Gus Beaulieu made frequent affidavits that Indians were mixed bloods in order to secure fee-simple patents.

Mr. BEAULIEU. Indians. Well, that is what I want to know. I want you to produce——

WITNESS. Fee-simple patents.

Mr. BEAULIEU. I will ask you to produce the affidavits.

WITNESS. I have here the 45 affidavits. I can read them. I have not picked out each particular class, which ones they are. I can give you the benefit of all of them.

Mr. GRAHAM. What is the very thing you want?

Mr. BEAULIEU. He states that I made affidavits to procure fee-simple patents for Indians.

Mr. GRAHAM. Now, do you want the affidavits read or do you want them designated by number and the name of the patentee, or just what do you want?

Mr. BEAULIEU. I want him to produce a copy, at least, of the affidavits that I signed.

WITNESS. The affidavits you speak of, as you very well know, are on file with the department at Washington.

Mr. GRAHAM. Well, is that a copy of them?

WITNESS. I have not made any copy of them.

Mr. BEAULIEU. Well, can you give the names of any persons?

WITNESS. I will give you the names of all these people connected with these 45 affidavits implicating you, and you can pick out the things you want.

Mr. BEAULIEU. Let me ask you the question, Will you furnish me the names of the persons for whom I made affidavits setting forth that they are mixed bloods?

WITNESS. The affidavits will speak for themselves. I will furnish you the name of every affidavit I have implicating you and the manner in which it does implicate you.

Mr. GRAHAM. Well, I take it that that is what he has asked you to do, Mr. Linnen, so proceed to do it.

WITNESS. Now, do you want all of the affidavit read, or just the part referring to Beaulieu?

Mr. GRAHAM. My understanding of his question is to the effect that he wants just enough to identify the affidavit. You may go on, and if Mr. Beaulieu or Judge Burch wishes the whole affidavit read, you may do so. I do not understand that that is what is wanted. If it has a number, give it, and the date of it, and the name of the party, and the matter involved; this will, I think, cover the point in Mr. Beaulieu's question.

WITNESS. It occurs to me, Mr. Chairman, that any information desired as to the means employed in procuring lands and timber by himself and his associates is embraced in these affidavits.

Mr. GRAHAM. Well, I am recognizing Mr. Beaulieu's rights to ask the questions now as he wishes them. I really think he has a right now to ask any questions as he desires to have them asked, and to have an answer as well.

Mr. BURCH. I think the same. Give the names.

Mr. BEAULIEU. I want to say right here that we have information contradicting what Mr. Linnen and Mr. Moorhead report, from their own interpreter.

Mr. GRAHAM. Mr. Beaulieu, when you say "information," do you mean that it will be produced as evidence?

Mr. BEAULIEU. I will produce the evidence. I will not rely upon affidavits, because I do not think an affidavit should be called proper evidence, that it is not the best evidence. I think they should produce the men and not the affidavits; they should produce the men who made the affidavits, so we can examine the men.

WITNESS. Do you want the names of the different parties?

Mr. BURCH. Yes. Go ahead and answer his question. Then you will have an opportunity later.

Examined by Mr. BEAULIEU:

Q. I am ready.—A. One affidavit referred to here is No. 23; the name of the party is Ah-woun-ah-quod-o-ke.

Mr. BURCH. Do you want the description of the property—the land?

Mr. BEAULIEU. No; I don't care for that. I would like the date.

WITNESS. That affidavit was subscribed and sworn to on the 16th day of August, 1909. The next affidavit is No. 227, made by Mah-dash, dated September 8, 1909.

Q. This is one of the affidavits you read here day before yesterday, isn't it?—A. Yes. The next is No. 312. Affidavit of Ne-gaun-ah-cum-ig, August 28. 1909.

Q. That is one of the affidavits you read here day before yesterday?—A. Possibly so; along certain lines, where you said you had always paid the Indian the money, and that says you didn't.

Q. Well, that is according to your affidavit.—A. You gave it to charity, I suppose. The next affidavit is No. 237, Mah-con-dwa-we-ne-ne.

Q. That is another affidavit you read day before yesterday, isn't it?—A. I think it is; yes. That affidavit states that he was not asked whether he was a mixed blood or a full blood.

Q. Well, you read that the other day.—A. No. 307, affidavit of Nah-may-we-quay, August 28, 1909. The statements in these affidavits I would like the committee to know about.

Q. Later on.

Mr. GRAHAM. We will get to them later on. Just answer the questions he asks you now.

Q. Mr. Linnen, do you know whether that person you have just named there—Nah-may-we-quay—was a witness against me at Fergus Falls?—A. No; I don't know a thing about it, as I was not there, and you very well know I was not.

Q. Well, I am asking you if you don't know.

Mr. BURCH. Now, that is all right, Mr. Linnen; go ahead.

Mr. GRAHAM. Gentlemen, you will please avoid unnecessary conversational remarks and stick to question and answer. Mr. Beaulieu, you have a right to ask the questions you think proper, and Mr. Linnen will answer them.

A. The next affidavit is made by Nee-zho-dense, No. 392; dated the 1st day of August, 1909. The next is Mah-een-gaunce, dated 8th day of September, 1909——

Q. Mr. Linnen, I would like to ask you if those affidavits you have just mentioned particularly mention me?—A. They name you or your brother or Ben Fairbanks. Generally, you are always named in them.

Q. That is all I want to know—either of us.—A. This is No. 42, Ah-be-tah-waush-Kah-donce, and is dated August 2, 1909.

Q. Now, I will ask you if the parties, the last three you mention, were not witnesses against me and against Robert Beaulieu and Ben Fairbanks, at Fergus Falls, if you know?—A. I know nothing whatever about it. Next is No. 330, Nego-nah-equaince, August 16, 1909. Next is Peter Paul, August 12, 1909, No. 407.

Q. Mr. Linnen, I will ask you again if Peter Paul was not a witness at Fergus Falls against myself and the others?—A. I don't know. No. 332, Nay-tah-wah-cum-ig-is-kung, August 7, 1909. No. 333, Ne-sho-dain, August 12, 1909. No. 62, another one of that number, I think we had one before; the second one of 62, made by Beb-beb-sho-ya-she-quay, August 25, 1909.

Q. I will ask you if Beb-beb-sho-ya-she-quay was not a witness at Fergus Falls?—A. I don't know. No. 337, Negah-bow-e-gay, August 16, 1909. No. 49, Bug-ge-nay, September 16, 1909.

Q. Was Bug-ge-nay at Fergus Falls as a witness against us?—A. I don't know.

Q. And also Negah-bow-e-gay?—A. I don't know. No. 186, Kay-zhe-baunce, September 7, 1909.

Q. Was not Kay-zhe-baunce a witness also at Fergus Falls, if you know?—A. I do not know.

Mr. GRAHAM. Mr. Linnen, do you know any of the witnesses or any of the persons who were witnesses there?—A. No, sir; I don't know anything about it.

Q. I am asking these questions to show later that we were tried for these matters at Fergus Falls.

Mr. GRAHAM. The thought in my mind was that by getting out of Mr. Linnen at one time the fact that he does or does not know who the witnesses were at Fergus Falls, then you could show later on who they were.—A. No. 338, Nay-tow-ah-bee-quay, August 17, 1909. No. 469, Jane Caswell, or Mrs. George Walters, September 13, 1909. Another paper, No. 63, Be-dwa-way-ge-shig-ge-quay. No. 475, Wah-bah-nah-nah-go-quay, September 11, 1909. No. 477, Wah-bah-nah-nah-go-quay. Same name, different person, September 2, 1909. No. 482, Way-che-cha-gwa-beek, August 26, 1909.

Q. I want to ask you one question right there: Was I mentioned by this person; had we had any dealings with her whatever?

(Witness refers to affidavit No. 482.)

A. This particular affidavit does not mention you, but it mentions Ben L. Fairbanks. No. 32, Daisy Jugg, or the Indian name is Ah-zhee-ne-caw-zood, July 23, 1909. No. 85, Bay-bah-mage-wabe, July 31, 1909. No. 88, James Brunette, August 7, 1909. No. 272, May-wow-we-geh-bow, or Wolf Rock, July 26, 1909.

Mr. BURCH. Mr. Linnen, was not that the same name that was given Mr. Steenerson?

WITNESS. I believe it is the same Indian name, sir.

Mr. GRAHAM. Then "Wolf Rock" is not the translation of it. It is another name.

WITNESS. No; that is the way we have it, "or Wolf Rock." He has given both, I guess.

Mr. GRAHAM. Mr. Steenerson's name was translated, "He Who Stands in the Middle."

A. Mis-co-ge-shig, or James Rock, July 30, 1909. No. 438, Zhone-ah-quay, September 10, 1909. No. 96, En-dah-so-quon, or Jihn Coleman, July 29, 1909. No. 440, Peter Skip-in-the-Day, or She-ge-ge-shig, September 14, 1909. No. 348, Osh-ken-now, September 10, 1909. No. 359, Oh-mah-yah-wah-be-tung, September 13, 1909. No. 109, Day-dah-bush-aush-eak, July 27, 1909. No. 461, James Skenk, or Sah-gautch, August 27, 1909. No. 120, E-quay-we-shish, July 28, 1909. No. 122¾, E-quay-zaince, August 27, 1909. No. 126, Gay-bow-wah-nah-be-quay, September 7, 1909. No. 158, Solomon Sailor, or Gway-ah-qua-sung, July 27, 1909. No. 164, Gay-ke-now-wah-dah-be-quay, August 13, 1909. 169, Ish-quay-gah-bow, September 14, 1909. Those are the ones I have picked out as referring to——

Q. Do you know if any of these persons were included as witnesses, and also the persons named in the indictments against Ben Fairbanks, John Leecy, Robert Beaulieu, and myself, and which were tried at Fergus Falls in December?—A. I don't know a thing about it.

Q. I mean, included as witnesses, and also as the persons whom we had defrauded.

Mr. GRAHAM. You mean, are they the persons on whose testimony the indictments were found?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Do you know that, Mr. Linnen?

A. I don't know, sir.

Q. Are they the witnesses upon whom you based your report that we had not paid them all the money we had agreed to?—A. Some of them so testified; yes, sir.

Q. Do you know that the judge of the United States court who tried this case charged the jury that the persons who were mentioned in the indictment had always received the amount agreed to, and had received also an unusually good price for their timber?—A. I don't know anything about it, sir.

Mr. BEAULIEU. There were some further questions that I did not ask the other day. They were going to put Mr. Linnen on the stand again, but they have not done so since.

Mr. GRAHAM. Very well, go on.

Q. In your report to the Secretary of the Interior to the effect that Ben L. Fairbanks and Gus H. Beaulieu had defrauded the White Earth Indians, did you base your charges exclusively on the affidavits you read, namely, the affidavits of Pedosegay, Mah-dash, Mah-gauck-un-dwa-we-ne-ne?—A. I based my report upon the information that I received generally from those people and these 45 people whose affidavits—the numbers and names I have just read, and from other sources wherein I had ascertained that those were the facts.

Q. Did you examine the agency records with regard to Pedosegay, and, if so, did you not find that he had received fee patent as a competent full blood?—A. The investigation was made during the fall of 1909, and was very extensive, and I do not recall any specific instances, nor any examination of the matter you speak of.

Q. You do not recall that you called at the agency office for information regarding these particular persons?—A. I made a general investigation, and I was at the agency office for several weeks, and looked into all matters pretty thoroughly. Specific instances I do not recall now.

Q. With regard to Mah-dash, did you not find that he was also recommended as being a mixed blood, when you examined the agency records?—A. I have no distinct recollection of that particular instance.

Q. Did you examine the agency records at White Earth with regard to Muck-un-dwa-we-nun-nee, signer of one of the affidavits you just read, and did you not find that he had obtained a fee patent as a competent full blood?—A. It is possible I may have. I do not recall the specific instance.

Q. But you don't mention it in your report, anywhere, do you?—A. Each affidavit will speak for itself.

Q. I mean you did not mention concerning the records, whether he was a mixed blood or not. Do you remember it or not?

Mr. GRAHAM. What is your memory of it, Mr. Linnen?

A. Well, I would not do that, Mr. Chairman. I would never have an opportunity in a report to do any such thing as that.

Mr. GRAHAM. I presumed that was so, but it won't hurt to have it.

Q. In the case of Ne-gan-ah-cumig-o-quay; did she not tell you that she had some white blood?—A. The affidavit that she made will speak for itself. Other than that I could not say now. I have no distinct recollection.

Q. And did she not tell you that when she had obtained a fee patent she would be paid in full, and also that she had made an affidavit that she was a mixed blood?—A. Without having any independent recollection, I would simply state that her own affidavit would speak for itself and be the best evidence.

Q. Did your interpreter, Charlie Moulton, tell you that Ben Fairbanks and I had been unusually careful in trying to confine ourselves to dealing with only the mixed bloods?—A. You speak of our interpreter. We had three, usually.

Q. I named this one.—A. You named Charlie Moulton. I don't recall any such conversation.

Q. Do you regard Mr. Moulton as being a strictly reliable man?—A. No; I don't. He drinks liquor to excess, and he is easily influenced and misled.

Q. And would you accept his affidavit as being true if he made one concerning the methods used by you and Mr. Moorhead while you were investigating the White Earth matters?—A. Not if you procured it, I would not; no, sir.

Q. I said if you procured it—you would accept it, wouldn't you?—A. Well, the Government has accepted the investigation which I made as being an honest, truthful, conscientious investigation.

Q. Did you not submit here an affidavit of Charlie Moulton, to substantiate some of your charges that you have made against Ben Fairbanks and myself?—A. I read an affidavit of Charlie Moulton that he had made about when he was acting as your interpreter, what he did; yes. It is one of over five hundred.

Q. Well, you accept that affidavit as true, do you not?—A. I took for granted that when he made the affidavit under oath it was true.

Q. And if he made an affidavit regarding the methods that you and Mr. Moorhead had used you would not accept it as the truth?—A. I will simply state this: If he has made, or will make, any affidavit or statement to the effect that the methods which obtained in the procurement of affidavits and this whole investigation were anything other than in absolute fairness and an inquiry only as to the truth and the facts, if he will make any statement other than that, or state that any undue influence was used to procure anything other than the truth and the facts, he would state what was not true. And not only he, but anyone else.

Mr. GRAHAM. You see, gentlemen, there is a wide margin between your positions. You both seem to forget that there is a vast difference in an affidavit about a matter which is largely a matter of conclusion as to what the maker of the affidavits believes to be true. He may testify that he believes so and so, or thus and so, and remain a perfectly truthful, conscientious man. So that the absolute truth of it is not so much the question as what the affiant believed to be true.

Mr. BEAULIEU. Well, Mr. Chairman, I am asking these questions to show that Mr. Linnen and Mr. Moorhead confined themselves only to certain persons in getting the affidavits, and that they did not go around generally, upon the White Earth Reservation, for instance, and make it a point to get the information they could have obtained if they had gone around as impartial men would have done.

Mr. GRAHAM. I think, Mr. Beaulieu, it is competent to show that. I think you have the right to attack these affidavits or to bring out the facts in regard to the affidavits in any legitimate way. You have that right.

Mr. LINNEN. Right there, Mr. Chairman, I would like to make a statement. Our purpose was to secure the information as to who were full bloods. We were dealing with the full bloods and minors only. We were trying to ascertain the facts and the truth as to whether those people were minors or were full bloods, and then, with relation to the sales that were made, we did that in the best possible manner. Why should we go and inquire of a lot of mixed bloods, when we had nothing to do with them as to their blood status, we knowing that they were mixed bloods? Whenever we came to a case and discovered that a man was a mixed blood, we dropped that case. We had nothing to do with that. He could sell under the law. We confined our investigation to the full bloods and minors, and to establishing those facts and the sales they had made, and we made such inquiry and investigation as would determine that thing.

Mr. GRAHAM. I am not attempting to determine the weight that ought to be given to those affidavits. The question now before us is the right of Mr. Beaulieu to ask the questions which would, in his judgment, affect the weight of the affidavits as evidence.

Mr. BEAULIEU. And also the methods which were used to obtain them?

Mr. GRAHAM. That is what I have just said, anything that would affect their weight as evidence.

Q. Now, Mr. Linnen, while you were at White Earth, were you not informed that a very large majority of the Indians on that

reservation were Catholics?—A. I believe I had some such information; yes.

Q. Now, in trying to get the information as to minors, would not the Catholic Church records have shown the exact age of each minor?—A. In some instances it would; yes.

Q. Did you call on a Catholic priest to give you those records?—A. In some cases; yes.

Q. Did you call on a Catholic priest to give you the age of James Brunette, which you named in these affidavits?—A. I don't recall as to that.

Q. Do you know that James Brunette was really of age at the time this pine timber was purchased from him?—A. I simply know what the affidavits state in regard to him; that is all I know.

Q. I mean according to the Catholic Church record.—A. I can not state as to that.

Q. If the Indians whom you and Mr. Moorhead employed stated that you and Mr. Moorhead said to them repeatedly, in your meeting with them, that if they would declare themselves full bloods they would recover the land they had sold, would they be telling the truth?—A. They would not. The facts being as I have stated heretofore——

Q. In this case would you accept the affidavits of those men?

Mr. GRAHAM. Make that plainer, Mr. Beaulieu. "In this case," do you mean in case they would make affidavits such as indicated in your question?

Q. Yes.—A. I certainly would not accept any statement or affidavit from any source that would state an untruth. It would be an untruth if they made any such statement.

Q. Of course you could not judge as to that?—A. I can judge as to whether they had stated the truth or not, if they said such things were done when they were not.

Q. Did you ever say to Moulton that you did not like Moorhead's method of telling the Indians they would recover their allotments if they would declare themselves full bloods?—A. Mr. Moulton and the other interpreters almost daily interpreted from me to the Indian witnesses—we had a statement in substance like this: "We want only the truth and the facts. We don't care to make anybody a full blood or a mixed blood. It has nothing to do with us or with this investigation. We simply want the truth and the facts, and if any of you witnesses know anything which would indicate that there is a drop of white blood or negro blood in the veins of any of these people, we want to know it, because we want to deal only with the full bloods and minors."

Q. That is not an answer to my question.

Mr. BURCH. I think it is.

(Question read by the reporter.)

Mr. GRAHAM. I think that calls for a specific answer as to whether he did or did not say a certain thing to Mr. Moulton.

Mr. LINNEN. I never heard Mr. Moulton make any such statements.

Mr. GRAHAM. That answers it.

Q. Then, Mr. Linnen, if a considerable number of White Earth Indians would say that you and Mr. Moorhead said to them that

they would recover the lands they had sold if they would declare themselves as full bloods, that would not be telling the truth, would it?—A. Why, as I have heretofore stated, we repeatedly made the statement that the full-blood Indian under the law could not sell his land, that no title passed; and neither could a minor sell his land, that no title passed, but that is as far as we went.

Mr. GRAHAM. I am quite sure that you have already testified to these facts; but go on. We will have to get through with it.

Q. You stated that several thousand dollars of the Chippewa funds had been misappropriated by the superintendent of schools at Beaulieu. Can you inform the committee whether the Indian Office at Washington made such a report of this as to cause any loss to the Chippewas, or do they simply ignore the matter and let it stand charged to them in the Treasury?—A. I don't know. I simply know that I reported the facts to the department.

Q. Did you learn how much coal Agent Howard used which belonged to the Indian schools and which was purchased with Indian funds?—A. I simply know this, that there was sufficient coal put into the agent's house to answer the purpose of keeping it warm for the winter. I did not know how much was used in or put in the other employees' houses when I was there.

Q. Did you not learn that the coal that the Government employees used was sold to them by Agent Howard?—A. I did not. It was not.

Q. Well, that is all the questions that I have to ask.

Mr. BURCH. Mr. Chairman, we are somewhat embarrassed with the prospect of swamping this committee with a mass of testimony. If we put in these 45 affidavits, or copies of them, it will occupy great space. If Mr. Beaulieu then puts in his proposed testimony to the effect that many of these affiants were sworn in the Fergus Falls case—the case which, as he terms it, was decided in his favor; that is, in which he was discharged—that will take some more volume. If we then proceed to show what I am informed is the fact—that these witnesses all testified to practically the same thing in that trial as they deposed in these affidavits—it will bring in an enormous volume—the record of that trial—unless we make excerpts from it. I understand one party here has a copy of it that cost $700. Such a volume would simply swell this hearing abnormally with matter which is not, we think, pertinent, unless this committee is going to overhaul the whole trial before Judge Morris at Fergus Falls. I call the committee's attention to the fact that up to this time we have not in any manner adverted to the trial at Fergus Falls. This is simply because we do not think it would be seemly for us to attempt in this manner to review a trial in the Federal court or criticize the action of any witness, attorney, official, or court there. This seems to force upon this committee, at the instance of Mr. Beaulieu, the necessity of reviewing the action of all parties in that case. In other words, the entire record of this week's trial, or thereabouts, at Fergus Falls, seems to be about to be brought into this case. I deplore this incident and ask time to consult as to whether we shall attempt to drag this matter in and put before Congress the consideration of a trial that has been determined in a Federal court. I would prefer to pass the incident without putting in these affidavits. Later on we may think it necessary, but I want to keep this committee or Con-

gress from an entanglement, possibly, with the Federal court, a coordinate branch of the Government. It is a very serious matter, both in volume and in character.

Mr. GRAHAM. The committee does not want to get entangled in any manner in anything, if it can help it. But this situation arises: Those affidavits are going into our records. Without knowing what the fact is, suppose the fact to be that some witness testified at Fergus Falls in that trial in a way which was contradictory to that affidavit in our record as made by that same witness; would it not be competent, as affecting the weight of the affidavit, to show what the witness's testimony was?

Mr. BURCH. Absolutely; absolutely so. We have not put in the affidavits. They have been referred to, it is true, but they have brought that fact out; that is, Mr. Beaulieu has brought that fact out. Now, I am informed that the fact is that each and every one of these witnesses testified at Fergus Falls the same way they depose in these affidavits.

Mr. GRAHAM. I was only putting a hypothetical case. I don't know what the fact is.

Mr. BURCH. It puts us in an attitude, for the Government, of assisting in the review—participating in the review of a trial in the Federal court, a coordinate branch of the Government. I simply state this to the committee to make our position plain, and ask time for conference and possibly instructions from the Attorney General upon so important a matter.

Mr. GRAHAM. It is always well to look before leaping.

Mr. BEAULIEU. If, however, I may state that these affidavits have been filed——

Mr. BURCH. No, no——

Mr. GRAHAM. They have not——

Mr. BEAULIEU. Or they have been read here——

Mr. GRAHAM. Some of them have.

Mr. BEAULIEU. In support of Mr. Linnen's charge in his report against us in the Interior Department. Now, we don't want to let these affidavits stand without backing, and we have got to take them in the best manner we know how. We have not the means that the Government has to bring witnesses to fight these cases. We haven't even the means of employing attorneys.

Mr. GRAHAM. Well, the subcommittee will be disposed to hold—and I say this tentatively, without binding anyone—that where the affidavits have been offered in evidence and afterwards the affiant has sworn in court or testified about the same matter and in the testimony contradicted or even modified the statements in the affidavit, that it would be competent to show that fact. And I do not think that doing that could be in any degree considered as an attempt to review the action of the court. It would be simply a plain question of fact as to what a certain witness testified to in the court and comparing that testimony with the affidavit made by that witness at another time and place.

Mr. BURCH. Well, there are four affidavits of that kind, four or five, that have been read in; the others not.

Mr. GRAHAM. Is the record you refer to the same book that Mr. Powell produced here and from which I read the judge's charge?

Mr. BURCH. It is one volume of over 900 pages.

Mr. GRAHAM. Well, I think the matter will simplify as we approach it. The burden is on Mr. Beaulieu to contradict the statements in the affidavits. He doubtless has access to the record containing the testimony of the affiants. The burden is also on him to look up that testimony and point out to the committee where the witnesses testified in contradiction to the statements in the affidavits.

Mr. BURCH. With that we are content.

Mr. GRAHAM. And I think it will get smaller and simpler as we get close to it.

Mr. BEAULIEU. Very well: we do not intend to introduce the evidence of the United States against us to show our case, but we will introduce our own evidence when we reach Detroit. We will confine ourselves to our own evidence: we will introduce the evidence we introduced at Fergus Falls.

Mr. GRAHAM. You understood me to mean by my statement what you *may* do and not what you *shall* do. I am not trying to dictate what you shall do. I only say what I think you have a right to do.

Mr. BEAULIEU. Mr. Burch seems to accept that as a fact. We are not going to do that.

Mr. BURCH. I am perfectly content with his explanation of it.

Mr. BEAULIEU. We didn't introduce any evidence at Fergus Falls in our own behalf.

Mr. GRAHAM. Well, when we reach these bridges we will try to cross them and cross them right. We all want to be fair, and people in that frame of mind usually find a way.

Mr. BURCH. Well, shall we read these affidavits?

Mr. GRAHAM. Such of them as you want to put in the record.

Mr. BURCH. There are 45 of them.

Mr. GRAHAM. Well, the committee would like to know at this time about what the substance of them is. It won't take long if you omit the introduction and conclusion and just give us the milk of the coconut.

Mr. BURCH. I deplore the loss of time.

Mr. LINNEN. I would like to say, Mr. Chairman, that the majority of these affidavits mention several transactions and dealings with other parties. Do you want that I should confine my reading to that portion which affects Mr. Gus Beaulieu, his brother, and Ben Fairbanks?

Mr. GRAHAM. That portion only which is apropos of Mr. Beaulieu's cross-examination of you.

Mr. BURCH. Then I suggest it will have to be read into the record.

Mr. GRAHAM. Afterwards. Is it your purpose to offer the whole affidavit?

Mr. BURCH. No; I don't think so. I hadn't intended to. But he has made the statement here that we put in four affidavits to support that statement only, just a few. It was not our intention to put in the entire 45 affidavits. Now, with that understanding we will just have him read excerpts from these affidavits into the record, giving the name and number of each affidavit bearing on that particular matter. I will do this, Mr. Chairman, in the interest of time-saving and I will withdraw Mr. Linnen and let him mark the

excerpts so that he need not read the whole affidavit and thus take considerable time, but later he will read just the marked portions.

Mr. GRAHAM. Well, if you have outside witnesses waiting we should defer this anyway.

Mr. BURCH. No; not any outside witnesses. I expect to put Mr. Beaulieu on the stand unless Mr. —— is in the room.

Mr. BEAULIEU. Before any of those affidavits are filed, if they are introduced only in part, I would like to read the whole affidavit myself.

Mr. GRAHAM. Such ones as are to be read here?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. Well, that is not necessary, but I think there would be no objection to that if we can get the time.

Mr. BEAULIEU. Not in here, of course, but before they offer them, so that I will be informed as to what they contain. There may be something in them that might be mentioned, which they would keep out.

Mr. GRAHAM. Well, if that were so, you could offer it later.

Mr. BEAULIEU. I only suggest that.

Mr. LINNEN. I would be very glad to let anyone else read them.

Mr. BURCH. I am perfectly willing that he should. I want to save time.

Mr. GRAHAM. And yet we don't want to save time in such a way as to do Mr. Beaulieu the slightest injustice.

Mr. BURCH. Well, I won't offer the affidavits now, and before I do offer them I will ask Mr. Linnen to mark the pertinent parts of each so he can turn to it instantly and read it in; and Mr. Beaulieu, before we offer these exerpts, may read over the whole affidavit if he wishes.

Mr. GRAHAM. That is the better course to take. Afterwards, if anything in his favor is omitted, he can have that read.

Mr. BURCH. Indeed, he can put marks on the affidavits and we will read what he wants read in. Mr. Linnen may retire and it will be understood that when Mr. Beaulieu gets time, either night or day, we must allow him an opportunity to read over these affidavits, somebody being present to see that the books are carefully taken care of, and Mr. Beaulieu can mark what he wants to read, and if he wants something read that has not been read, as not being pertinent to this inquiry, he can have it done.

Mr. BEAULIEU. I would like to suggest that the affidavits be not read until Mr. Ben Fairbanks is present.

Mr. GRAHAM. Well, we could not agree to do that. Mr. Fairbanks will have to be here when we get ready.

Mr. BEAULIEU. Well, he is deeply interested in the matter.

Mr. GRAHAM. Is he here?

Mr. BEAULIEU. No; if you are going to Detroit, I thought they might be read up there.

Mr. BURCH. I don't know but that may be a very good idea.

Mr. GRAHAM. The committee would much rather devote as much of the time as is practicable to the taking of testimony there. We would rather take time for the documents here, rather than there.

(Mr. Linnen was then excused.)

GUS H. BEAULIEU recalled, having been previously sworn.

Examined by Mr. BURCH:

Q. Mr. Beaulieu, you were in the employ to some extent in certain cases of the Nichols-Chisolm Lumber Co. as early as 1902 in the purchase of lands—securing lands?—A. I can not say whether it was 1902 or 1903. Somewhere along there.

Q. About that period?—A. About that period.

Q. You were then engaged in securing what you call inherited lands?—A. Yes, sir.

Q. That had been advertised for sale by the Government?—A. Yes, sir.

Q. What others did you purchase lands for during that early period?—A. Well, I purchased lands for the company with which I was connected.

Q. What was that?—A. Well, they organized, but they finally purchased in the name of Richard Angus and Dr. McLain, of Fergus Falls, and, I think, R. A. Chester, of Washington.

Q. You later began purchasing lands for other people, did you not; other than that company?—A. I filed bids for a great many other people.

Q. For these inherited lands?—A. For the inherited lands. I don't know what the bids were, though.

Q. Well, you were employed by them to do this?—A. Yes, sir.

Q. Can you state who?—A. I can not recall who, because there were so many of them.

Q. For instance, did you purchase or file bids for a Mr. Congdon, of Duluth?—A. No, sir.

Q. Did you ever at any time purchase lands for Mr. Congdon on the White Earth Reservation?—A. Which Congdon do you mean?

Q. Congdon, sr., or either, or both?—A. I think I purchased probably a couple of tracts. I don't think more than one or two tracts for C. A. Congdon, sr.; and I purchased a number of tracts for Edward C. Congdon.

Q. The young man?—A. Yes, sir.

Q. Well, who are the Congdons?—A. Well, Congdon is a man who is largely interested in mining.

Q. A man of great wealth?—A. I understand he is one of the wealthiest men in the State.

Mr. GRAHAM. What kind of mining?

WITNESS. Iron and copper.

Q. Did you purchase any lands for C. G. Hartley, commonly called "Gil" Hartley?—A. No, sir; I never purchased a tract for him.

Q. Have the Congdons large holdings at present upon the reservation, or did they have at one time?—A. No; they never had large holdings at any time.

Q. Well, perhaps that is a relative term. How large?—A. Well, not to exceed $10,000 worth of land.

Q. You couldn't state it in acres, could you?—A. No; I couldn't.

Q. Did you invest the money for them?—A. Yes, sir.

Q. Respecting Hartley, you say you didn't purchase any for him?—A. No, sir.

Q. Did he purchase any?—A. I couldn't say as to that.

Q. Did he become a large landholder at any time on White Earth Reservation?—A. I don't know a thing about Mr. Hartley's business.

Q. Not even by reputation—I mean as to that fact, not reputation generally, but that fact.—A. I heard that he had purchased some lands from Ed. Warren.

Q. Was it a large amount he purchased?—A. I was told there were two 80-acre tracts. That is all I know of.

Q. And do you know who acted as the attorneys or agents of these parties, or either of them, for lands on the White Earth Reservation, at Duluth?—A. I didn't know they had any attorneys.

Q. Land agents, then.—A. Where?

Q. At Duluth.—A. No; I don't know.

Q. Did you ever know of the advertisement of large amounts of land by any firm in Duluth?—A. No, sir; I didn't. I never heard of that.

Q. Didn't know that there were?—A. Didn't know there were any advertisements at all. Didn't know any one at Duluth was dealing in White Earth lands outside of Mr. Congdon.

Q. Did you know of his advertising them for sale through some firm or agent there?—A. No, sir; I didn't.

Q. Now, how long did you continue that, I may put it, occasional or divided employment for the Nichols-Chisolm Lumber Co.? How long did you continue making occasional purchases for the Nichols-Chisolm Lumber Co.?—A. At which time?

Q. From the beginning, dating from the beginning of your connection with that company?—A. I made no purchase for the Nichols-Chisolm Lumber Co. up to 1906. They made their own purchases and I simply filed the bids on inherited lands.

Q. You acted as their agent in that capacity?—A. Yes; as I did for anyone else that filed.

Q. And charged them some ordinary fee for it presumably?—A. Yes.

Q. When did you regularly go into their employ?—A. I think it was—I couldn't state the date—some time in 1906, I think it was.

Q. Was it before or after the passage of the so-called Clapp rider of 1906?—A. It was after the passage of the Clapp rider, not until after; that is, where I confined myself simply to their service.

Q. Did they pay you any sum of money for your services in purchasing the lands or bidding, which has been placed in evidence here, led by Herrick, the seven bidders, did they pay you any sum of money for that service?—A. They had absolutely nothing to do with the part which was commenced by us on the reservation.

Q. They paid you nothing in the way of expenses or remuneration in connection with it?—A. No, sir; we paid our own expenses, the only expenses we had from here to St. Paul.

Q. Were they represented at this meeting at St. Paul—the Nichols-Chisolm Lumber Co.?—A. I believe they were.

Q. By whom?—A. I think, if I am not mistaken, Mr. Nichols was there himself.

Q. Very well. I will pass on. When did you go into their employment steadily, I might say into their exclusive service? It was after the passage of the Clapp rider?—A. Yes, sir.

Q. Of 1906?—A. Yes, sir.

Q. Was that by written contract?—A. No, sir.

Q. Will you state the scope of your agency for them?—A. Well, I was to buy timber for them; my principal duties were to look up the status of the members of the reservation, to see whether they were mixed or full bloods. Those were my duties.

Q. Also to make bargains with the persons you looked up?—A. Well, yes.

Q. For the Nichols-Chisolm Lumber Co.?—A. Yes, for the Nichols-Chisolm Lumber Co. They would simply furnish me the prices to pay and I would offer them. There was no bargaining or dickering. We were simply instructed to offer a certain price and let them accept or reject.

Q. Did they leave you freedom to purchase the lands for less than they mentioned and give you the difference?—A. No, sir.

Q. Did you ever do that?—A. The particular understanding that I had with them was that they should not buy the lands if they could buy the timberland.

Q. Take timber deeds?—A. Yes; take the timber deeds.

Q. Well, in either way, did you ever, in purchasing, with these set figures before you, purchase for less, and appropriate from the sale—appropriate the difference to your own use?—A. No, sir; I never purchased——

Q. Were you given any freedom in outbidding anybody else beyond their figures who was trying to buy the timber? Were you allowed to do so?—A. No, sir; the Nichols-Chisolm Lumber Co. fixed the price and simply said, "You can offer that much and if they accept it you can buy the timber. If they reject it, don't have a thing more to do with it."

Q. Not even submit it to them for their consideration as to whether they would pay a higher price?—A. Oh, I frequently did that. I did that without knowing——

Q. What was the amount of your compensation from the Nichols-Chisolm Lumber Co. for entering into their service?—A. Well, we were to get $100 a month.

Q. "We?"—A. $100 each, Fairbanks and myself—Benjamin Fairbanks.

Q. Benjamin Fairbanks?—A. Mr. Fairbanks was to get $100 a month, John Leecy $100 a month, my brother, R. G., $75, and I received $100. But in addition to that we were to be given a certain commission; that is, Fairbanks and myself were given a certain commission, which I believe amounted to 7½ per cent.

Q. On the purchase price?—A. On the purchase price. The others received no commission.

Q. For whatever you secured?—A. Yes, sir.

Q. Has that continued, so far as your employment is concerned, down to the present time?—A. Once it ceased, one year, when they stopped buying timber.

Q. Have you not been continuously on the pay roll in one capacity or another of the Nichols-Chisolm Lumber Co. from 1906 to this time?—A. Yes.

Mr. GRAHAM. Do you mean the commission has ceased?

Mr. BEAULIEU. The commission has ceased, but I have been on the pay roll; that is, I received a small salary from them, what I call a small salary.

Q. Down to the present time?—A. Down to the present time.

Q. You are still on the pay roll?—A. I assume so.

Q. Is Mr. Fairbanks?

Mr. GRAHAM. Just a minute there. You testified on this point before and state that you were now on the pay roll at $100 a month.

Mr. BEAULIEU. Yes, sir.

Mr. GEORGE. That is the same salary that you received from 1906?

A. Yes, sir.

Mr. GEORGE. The difference was the commission?

Mr. BEAULIEU. Yes, sir.

Mr. GEORGE. Which you were paid when you were buying lumber?

Mr. BEAULIEU. Yes, sir.

Mr. GEORGE. And the buying of lumber having ceased, you didn't get that?

Mr. BEAULIEU. No, sir.

Mr. GEORGE. But your salary is the same?

Mr. BEAULIEU. Yes; my salary is the same. I will say this: As soon as I am able to do so, it is understood that I shall leave the service of the company—just as soon as you folks get through prosecuting them.

Q. Prosecuting what?—A. Prosecuting these cases. I mean, as soon as Burch and his force have gotten through with their cases my services, I understand, will cease.

Q. According to some Congressmen and some newspaper people that will be many years in the future, and you are quite tolerably certain of a job all the while.—A. Well, I tell you, I think I can make more than $100 a month, and anybody in the State can tell you that; but I think the reason this is prolonged is to enable Mr. Burch and his crew to prolong their jobs, and I have so charged.

Q. Yes; so I heard; that there were philanthropic designs expressed in this matter, but I am satisfied with it. Now, Mr. Beaulieu, has Mr. Fairbanks been continued the same as you?—A. I don't know anything about Mr. Fairbanks.

Q. Has Mr. Lacy?—A. I think not. I don't know; I am not certain.

Q. Has your brother?—A. My brother is regularly employed by them.

Q. Do you know a man by the name of Hurr?—A. Yes.

Q. Nicodemus B. Hurr?—A. I know him; yes.

Q. An Indian of the Ute Nation, from Colorado?—A. I don't think he is a Ute. I think it is some other——

Q. Well, no matter. He is from Colorado?—A. He is from Oklahoma.

Q. Well, Oklahoma. Was he in the employ of the Government in some capacity?—A. Yes, sir.

Q. What?—A. He was superintendent of schools at Pine Point.

Q. Now, the circumstances of his being discharged from the Government service, under charges and trial, etc., you knew of the circumstances, you heard of the circumstances?—A. I can tell you the circumstances if you want me to.

Mr. GRAHAM. The question is, Have you heard them?

Mr. BEAULIEU. I heard them.

Q. After I get through you may tell if you wish. Just as it suits your pleasure about that. Further on, or almost immediately, was he taken into the employ of the Nichols-Chisolm Lumber Co.?—A. Oh, I think he only went into the employ of the Nichols-Chisolm Lumber Co. this fall for a short time.

Q. You think he is not in their employ now?—A. I don't think so. I am not sure about that. I don't think he is.

Q. Was that in connection with preparing for the Fergus Falls trial?—A. Well, now, let me tell you. It was in connection with getting evidence for the trials generally against the Nichols-Chisolm Lumber Co. That is, the civil suits.

Q. Do you know an Indian by the name of Joe Critt?—A. Joe Critt? Yes, sir.

Q. Where does he live?—A. He lives at White Earth.

Q. Was he a chief?—A. Yes.

Q. What band?—A. Mississippi Band.

Q. Well, I mean he was petty chief, a subchief, or something of that kind?—A. Well, let me explain to you that there are no differences between the chiefs. A chief of each band, and one chief is recognized as much as another. There are no head chiefs as stated here by Mr. Wright.

Q. Well, for the information of the committee, we will ask: Isn't it true that a man is called a chief and given some authority by those customs up there, who gets 20 or more Indians to acknowledge that they follow him; that is, recognize him as chief?—A. Yes. Prior to 1889 they were recognized as chiefs, and under the treaty of 1867 any man who would get a following of 50 persons could be enrolled as chief.

Q. It was 50 then. Has the number since been reduced?—A. No, sir.

Q. Then a man must have an acknowledged following of 50?—A. No chiefs are recognized on the White Earth Reservation or any reservation in the State except through courtesy, unless it is the Red Lake Indians, who have not yet received allotments of land.

Q. Well, as a matter of courtesy, they call them chief if they have such a following?—A. Just as a matter of courtesy; yes.

Q. That is it exactly. Well, now, do the Indians ever duplicate or repeat on that? That is, an Indian, for instance, acknowledge one man as chief and another man as chief, and then be counted two or three times in the following of a chief? Do they ever repeat or duplicate or triplicate themselves; you know what I mean—acknowledge the following of different chiefs?—A. Well, the Indians on the reservation do not put much stress on chieftainship as the department does, or your force.

Mr. GEORGE. What does he do if those Indians repeat in this way?

Mr. GRAHAM. If an Indian agrees that White Cloud shall be his chief, may that Indian also have somebody else for chief; somebody else who may be his chief?

A. Yes, sir.

Mr. GRAHAM. Is there any limit to the number of times that he may ask to have appointed——

Mr. BEAULIEU. No, sir; there is not.

Mr. GRAHAM. It is not much of a job, then?

Mr. BEAULIEU. It is not regarded as such on the reservation.

Q. And you can have plenty of them?—A. Yes.

Q. Something like Kentucky colonels?—A. I presume so.

Q. Well, now, was Chief Joe Critt hired by the Nichols-Chisolm Lumber Co.?—A. No, sir; never.

Q. Never been on their pay roll?—A. No; never been on their pay roll.

Q. Do you know another man by the name of Potter?—A. Yes.

Q. William Potter?—A. Yes.

Q. Was he a chief?—A. Well, that is the same kind of a chief that Charles Wright is. His father was a chief.

Q. Well, now, was Mr. Potter a chief, you say?—A. I say the same kind of a chief that Charles Wright is. His father was a chief, and if he inherited any rights he inherited the rights of his father's chieftainship.

Q. His practical occupation was taking care of your horses, was it not?—A. No; I can not say that. He worked for me a while.

Q. Your stable boy?—A. He is working in a lumber camp.

Q. Now, did he have 50 men following him; I mean acknowledging him as chief?—A. No; because there have been no chiefs since 1889. The rolls are now carried on separately.

Q. But have not they been designated as chiefs in papers that have been forwarded to Washington, these men, Joe Critt, and Brown, etc.?—A. Well, Joe Critt, and I think possibly William Potter has.

Q. Yes, I think so. Well, now, Mr. Beaulieu, was he employed by the Nichols-Chisolm Lumber Co.—carried on their pay roll?—A. I think he was employed for a short time when they were looking up one of these civil suits that you had against them.

Q. Do you know his compensation?—A. Well, I believe he was employed a month or so and got $40 a month; that is, he got the same price that I had been paying him.

Q. Was that just previous to the Fergus Falls trial?—A. No; I paid him for a while, it must have been during the past summer, because he was working at the mill just previous to the Fergus Falls trial. He had been working there for some little time.

Q. What mill; the Nichols-Chisolm Lumber Co.?—A. No; I think the name is Brofsky. Mr. Long might tell the name, because he went there, I understand, and was concealed there for a week during the trial.

Q. What; at the mill?—A. Yes.

Q. Do you know in what way he was concealed?—A. Well, he left the department when we wanted to subpœna him.

Q. Do you mean to imply that he hid under a lumber pile, or something of that kind?—A. No; he kept out of the way and we didn't know where to located him.

Q. William Potter was one of your chiefs. What other chiefs have they about White Earth village there? If you can, name some of them.—A. Well——

Q. Do you know a man by the name of Julius Brown?—A. Yes.

Q. Was Julius a chief, too?—A. No; Julius was not a chief.

Q. Do you know another one by the name of Big Bear?—A. I [illegible] Big Bear; yes.

[illegible] he a chief?—A. No.

Q. You are sure he was not down on the Indian papers as chief?—A. I am positive, although so far as I know; that is, those papers I have signed?

Q. Those papers you drew, you did not put either of these men down as chief?—A. I think I may have put Potter down as chief, but never Big Bear, because he never claimed to be and was never recognized as chief.

Q. Well, now, search your recollection for chiefs in a radius of 3 miles——A. Let me tell you, Mr. Burch, we don't recognize chiefs up there; we don't recognize chiefs there, and I don't want you to put it into my mouth that we do.

Q. Now, I understand your disclaimer and respect it. What I want to know is, people who are sometimes called chiefs and who in delegation or on petitions or matters intended to affect or influence the departments at Washington, whether in every respect these titles are or have been designated as chiefs within a radius of 3 miles of White Earth since 1902? I would like to have an answer on that point.—A. Since 1902?

Q. Yes.—A. Well, we recognize, at White Earth, William Wright as a chief, as a successor of White Cloud.

Q. William Wright was the twin brother?—A. No; he was not a twin brother. He was a successor of White Cloud, who left a will leaving him the chieftainship, as we understood; of course, we didn't recognize this except through courtesy. Whenever an old chief dies we cease to recognize that chieftainship at all, but those who were chiefs in 1889 are recognized, only, as I have stated, through courtesy.

Mr. GRAHAM. Well, stick to the question. Who were they, within a radius of 3 miles?

Mr. BEAULIEU. There were no persons recognized as chiefs in the vilalge within a radius of 3 miles of White Earth.

Mr. GRAHAM. Were any called chief, as a mere name?

Mr. BEAULIEU. I think there were two.

Q. Who were they?—A. William Wright and William Potter.

Q. Now, didn't William Potter's father will his chieftainship to Tah-aw-wee-gaunce?—A. I never heard of it.

Q. Now, how many followers were there of these chiefs probably within a radius of 3 miles of White Earth?—A. I think the followers of those chiefs were almost all, if not all, the people within a radius of 3 miles.

Q. All or nearly all the people within a radius of 3 miles of White Earth?—A. Yes.

Q. How many would they number, mixed bloods, full bloods, mature persons capable of following a chief?—A. I should judge, within a radius of 3 miles, somewhere in the neighborhood of six or seven hundred. Possibly not so many.

Q. Six or seven hundred adults within a radius of 3 miles of White Earth village?—A. Possibly. Well, the persons who are recognized as members of a band are not only the adults, but men, women, and children.

Q. I didn't mean that; only those who vote in a council. I mean the men. The men of mature age, of a mixture of pure blood, within a radius of 3 miles of White Earth?—A. Well, I couldn't say positively. That would be pretty hard to say.

Mr. GRAHAM. He only expects an estimate.

Mr. BEAULIEU. I couldn't give a fair estimate.

Mr. GRAHAM. Can you not approximate it?

Mr. BEAULIEU. Well, I would say about 100.

Q. Now, isn't it true, Mr. Beaulieu, that for the purpose of these so-called councils, and for the purpose of making protests to persons at Washington, and deceiving Senators or Representatives with whom you were dealing, with the White Earth tribe generally, these Indians within practically a radius of 3 miles of White Earth were generally utilized and a large proportion of all the Indians spread over the reservation or elsewhere ignored?—A. No, sir; we usually, when we had our meetings, sent out ample notice of two weeks, sometimes three weeks, and maybe longer.

Q. You use the term "ample"—ample in your opinion.—A. Well, I believe it would be ample in the opinion of the reservation people.

Q. You use the term "we." Who is "we"?—A. I mean the people who take part in the councils at White Earth. We don't follow the old custom now of giving notice through chiefs, or anything of that kind. Once in a while a chief will sign—those who are recognized through courtesy——

Q. In other words, you, of the White Earth Reservation portion of the tribe, sent out such notices as you thought were ample for a council whenever important matters were to be considered. Now, "important" might be variously construed. Did you send out word abroad over the reservation at the time you protested the Herrick bid for a council there—at the time Joe Critt and William Potter signed the telegram to Senator Clapp?—A. Well, you must bear in mind that we had only two weeks to oppose his proposition. The proposition that we considered one of the worst, one of the greatest frauds that was ever perpetrated.

Mr. GRAHAM. You got the cart before the horse, Mr. Beaulieu. You explain before you answer. You ought to answer before explaining.

(Question read).

A. We sent out—now, as to the protest from the Indians, I can not recall anything about that.

Q. You have forgotten?—A. I was thinking of the protest which Mr. Fairbanks and I came to St. Paul to make to Senator Clapp.

Mr. GRAHAM. Is your mind, Judge, and his now on the same council meeting?

Mr. BURCH. Absolutely.

Mr. GRAHAM. The question still remains unanswered. Did you send out notices? What notices were sent out for that meeting?

Mr. BEAULIEU. For our particular meeting, the meeting that I refer to?

Q. If you had one?—A. We had a small meeting right in the village there. We didn't send out notices generally. My understanding was that they had another meeting subsequent to that——

Q. The first meeting was the one I want.

Mr. GRAHAM. Was it claimed that your meeting was the council meeting?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. The one you say was a council meeting—was it claimed that was a council meeting?

Mr. BEAULIEU. Well, let me say that we made several protests.

Mr. GEORGE. But was that meeting a council meeting?

Mr. BEAULIEU. My recollection is that it was.

Q. How large a council and how far did you send notices? You state it was a small meeting; now, how large was it?—A. The first meeting that I know of, that I have in mind, was a small meeting, composed of the people in the village, because it came upon us so suddenly that it was a surprise to us.

Q. Now, then, that led to the telegram sent by Joe Critt and William Potter to Senator Clapp—the telegram which is in evidence here—namely, that the Indians protested or didn't want this——A. I can not recall now about the telegram.

Q. Did you know that a telegram was sent to Senator Clapp, signed by Joe Critt and William Potter, and by him forwarded to his secretary—telegraphed by Senator Clapp to the commissioner; that is, repeated by Senator Clapp to the commissioner?—A. That may have been the case, but I don't recall it.

Q. You don't recall it?—A. No; I don't recall that.

Q. Now, then, when Mr. Fairbanks and you met Senator Clapp at the Merchants' Hotel, in St. Paul, who delegated you to do so? Did you go of your own accord?—A. No; we were delegated by a council gathering at the village of White Earth.

Q. Then, in truth, when it was made to appear to Senator Clapp at this meeting of the lumbermen and yourselves, which you have detailed here in your testimony, protesting and asking that this action awarding the bid to Herrick should be defeated, you only represented a small meeting?—A. Yes; just a——

Q. Now, then, in truth and in fact, hadn't those bids—the putting in of those bids, and the consideration of those bids before they were opened, and the opening of those bids—at your protest been delayed for nearly two months, so that you had two months to consider before the opening of the bids, and had just learned that the bid of Herrick was the biggest?—A. Let me tell you that before they ever put in a solitary bid we protested against the Wisconsin plan.

Q. That is all right.—A. Well, now, if I am allowed to go on further——

Mr. GRAHAM. Go on and we will come back later to the question asked you.

Q. Go ahead and explain.—A. Our objection to the Wisconsin plan was this: The Indians in Wisconsin had sold their lumber—their pine timber—for a certain price. I can not recall now, but they had complained to the Government that they were being defrauded by the bank scale; that they had absolutely no voice in anything with regard to that timber. Of course, they being the same tribe that we were, we heard all about these matters. We were told how they were defrauded, and that the agency people would ask them to pay certain amounts in order to get certain sums of money; for instance, if an Indian wanted a hundred dollars he would have to make an application for $125, and then the agent would recommend the $125 and the chief clerk would keep out $25. If he wanted $200, he would make application for $250 and they would keep out $50. Now, then, we got this information right along, and for that reason we were opposed to a sale under the Wisconsin plan.

Mr. GEORGE. What had that to do with the Wisconsin plan?

Mr. BEAULIEU. They proposed to sell our timber under the same plan as the Wisconsin plan. Now, afterwards the statements of these people were corroborated by the testimony submitted to the Senate investigating committee in 1909. I heard the testimony at O'Dana Reservation. I would like to add, further, that the Indian Office would not take any responsibility, and Senator Clapp told us that he had called on the Secretary of the Interior and had called at the Indian Office, and Commissioner Leupp said, "I don't know anything about it." He asked everybody in the office that had any authority, and no one knew anything about it except that Maj. Larrabee had signed the authority. Nobody wanted to assume any responsibility in that Wisconsin deal.

Q. Now, when the witness has finished, I would like to have an answer to my question.—A. I think I have answered it.

(Question read.)

A. My answer was that I had made a protest before the bids were put in. I don't know whether you would consider it an answer or not.

Q. I asked you if it was not two months from the time when you first learned of this bidding up to the time the bids were opened, and that these bids had been delayed from time to time—that is, the bidding, the opening of the bids—through you, at the request of Senator Clapp?—A. If it was not two months from the time of the bidding?

Q. Before you first learned that there was going to be such bids put in?—A. Yes; yes.

Mr. GRAHAM. You answer "yes" to that part of the question that it was two months from the time they were put in until they were opened?

Mr. BEAULIEU. Well, I don't know what time they were opened, but I know that they were—I will say no.

Mr. GRAHAM. How long do you say it was from the time they were filed, or put in, until they were opened?

Mr. BEAULIEU. Well, for that part of the question I don't know.

Q. Have you any recollection?—A. I have this recollection: That they put in a notice, I think in the Pioneer Press; it was a small notice in an obscure part of the paper——

Mr. GRAHAM. We don't want that—that they put in a notice. The question is, how long was it, and stick to that.

Mr. BEAULIEU. Well, it was probably a month or so before the bids were filed. The notice was put in that bids would be opened on the 15th, I think, of a certain month. It was two weeks from that time, but the time was extended after that.

Q. How much?—A. I believe a couple or three weeks after—that is, after our protest went in.

Mr. GRAHAM. Now, the second part of that question.

Mr. BURCH. Now, will the committee sustain me in getting an answer to my question?

Mr. GRAHAM. Your question was compound, and the chair thinks it should have been divided. You asked how long it was, then passed on to another question about what was done after the bids were opened.

Q. I will divide it and make it less complicated. Mr. Beaulieu, when you first learned that bids were being put in, did you take

action to stop it immediately, when bids were going to be put in, with Senator Clapp?—A. Yes, sir.

Q. Now, didn't Senator Clapp—wasn't the claim that it was too soon—that is, too sudden—made by you?—A. No, sir.

Q. Is what you published in the Tomahawk true? I ask you the question.—A. Might I just get the Tomahawk, and I will let you know.

Q. I am asking you the question, independent of the Tomahawk.

Mr. GRAHAM. I think he ought not to be asked about everything that goes into the Tomahawk.

Mr. BURCH. I hope I will get through with this witness sometime, and I hope I will be allowed to pursue this witness upon his recollection. Did you procure Senator Clapp to have these bids—this time for filing these bids—postponed two or three times so that it took two months in all before they were actually in and opened?—A. No, sir. We appealed to him to defeat, if possible, this Wisconsin plan—to defeat the taking of the bids.

Q. Then, so far as Senator Clapp is concerned, if he procured a postponement, if the records show that he procured a postponement for the time of the consideration of these bids, from time to time for two months, it was not at your suggestion?—A. No, sir.

Q. All right. Now, then, we understand it.

Mr. GRAHAM. Nor at the suggestion of any White Earth people that you knew about?

Q. Yes; or any White Earth people.—A. No; nothing that I knew about.

Q. Now, Mr. Beaulieu, in truth, from the time you first saw that advertisement until the bids were finally in, was it not more than two months' notice?—A. I stated I couldn't recall just how long it was.

Q. If it was two months or in that neighborhood, would there have been time for a general council of the people on that reservation to know whether they wanted the Wisconsin plan or not?—A. Oh, of course, it would have been; yes.

Q. Yes. Now, then, who decided whether you wanted the Wisconsin plan—you and the people about White Earth or the whole of the White Earth Indians?—A. Well, of those that were consulted there was a general demand for the rejection of that Wisconsin plan among the White Earth Reservation people. We were not divided upon that proposition at all.

Q. When you say White Earth people, do you mean the people about the village of White Earth under your influence or do you mean the whole reservation?—A. I stated to you that all the reservation were practically united upon that proposition.

Q. How do you know if you didn't call a council?—A. I know because they rejected a similar plan that was proposed by Mr. Winton, which he testified to the other day. They refused to go into a contract with them after they had a right to go into the contract.

Q. Was not that more than a year later?—A. Yes.

Q. Now, instead of being in advance of that, wasn't that in advance? How could you know what was going to take place in advance?

Mr. GRAHAM. The question is how you knew this.

A. Because it was openly expressed everywhere.

Mr. GRAHAM. You learned a year later. You couldn't know then?—A. I knew at the time, because everyone had expressed an opinion in this matter. You can go out and find out what is the sentiment of the people.

Mr. GRAHAM. I know, Mr. Beaulieu, but what working custom or law is there up there which makes you the guardian of the people at White Earth, to determine what they think and what they want?

Mr. BEAULIEU. I never took any steps that would make me the guardian of the people of White Earth. Not any initiative steps, I should say.

Q. Well, according to your answer, you make yourself the judge of what the people want?—A. He asked me personally how I knew.

Mr. GRAHAM. He has the right to find out what was done to call the people together.

Mr. BEAULIEU. If he had asked me if the people had been called together, I would say they had been called together repeatedly; they had discussed the matter openly and in councils.

Q. When? Where?—A. At White Earth.

Mr. GRAHAM. When, first. Judge Burch, one question at a time. When?—A. At White Earth during the summer of 1905.

Mr. GRAHAM. What time; can you mention?—A. I can not recall the dates. It is five or six years back. I could not recall the exact date.

Q. How were they called there? Just give us the steps taken to bring the people of White Earth to the village of White Earth in general or in the summer of 1905.—A. Well, they were called among the people there the way they usually were.

Mr. GRAHAM. That does not answer the question. How were they called that particular time?—A. It is the usual way of calling them, to send out notices, and I have no doubt that they were called in the same way.

Mr. GRAHAM. Have you any recollection how they were called at that time?

Mr. BEAULIEU. I can not recall at this time.

Q. Does that mean the small number, Mr. Beaulieu, of seven or eight that you testified, around the village there, or does it mean those within a radius of 3 miles, or does it mean the whole reservation?—A. It means within a radius of 10 or 15 or 20 miles, up to Mahnomen and down to Callaway.

Recess until 2 o'clock.

AFTERNOON SESSION, FEBRUARY 2, 1912.

GUS H. BEAULIEU recalled.

Examined by Mr. BURCH:

Q. Between the time when you first heard that bids were being advertised for and submitted and the time when the bids were submitted and opened, I ask you now again, was any regular council, upon proper notice to all the different sections of the White Earth Reservation, held, with reference to determining whether they wanted bide submitted or not?—A. Well, I can not recall at this time what took place, because it is so long since that I don't recall all the details; but I believe—I know it is the intention to show up all the details next week at Detroit.

Q. Well, that is good enough, then. If that is only done, that will be good enough.—A. Yes; we will do that, without any doubt.

Q. When the bids were opened, you were there, were you?—A. Yes; I was—no; not when they were opened. I think upon the day that they were submitted. I presume they were opened the same day. I think they were opened the same day.

Q. Yes; they were submitted and opened the same day. Now, were you present?—A. I am quite sure I didn't see the bids opened.

Q. Then, if you stated that at the time offers were made to you by Weyerhaeuser and by Herrick, you were mistaken about that, if you have so testified here—you were mistaken about that, were you?—A. I was not mistaken as to what I testified was made to me personally. Hold on—from Mr. Weyerhaeuser?

Q. And Herrick, as well?—A. Only, one of the Fairbanks had told me a few minutes previous to this that Herrick had made the same offer to him.

Q. You have testified, then, that both of these men made offers for you to let the thing go through?—A. Well, one of them made an offer to me.

Q. And one to Fairbanks?—A. And Fairbanks told me that he had similar offers.

Q. Then you must really have been present.—A. I was at the office, but I didn't see——

Q. No; I don't mean seeing the actual bids opened.—A. Yes.

Q. Now, at that time were you in the employ of the Nichols-Chisolm Lumber Co.?—A. No; not regularly.

Q. You are sure of that?—A. I am positive of that. Not in their exclusive employ. I was employed, as I stated here, as much with others as with them.

Q. Were you so much in their interest at that time that if their bid had been accepted you would have made no protest?—A. No, sir.

Q. You would have protested their bid as well as anybody else's under that plan?—A. I would have protested anybody's bid under that plan.

Mr. GEORGE. The Wisconsin plan?

Mr. BEAULIEU. Yes, sir; the Wisconsin plan.

Q. Did you have any agency in the telegram sent by Mr. Potter to Senator Clapp to get the bids set aside?—A. I don't recall that I ever had anything to do with that telegram.

Q. Did you do anything to inform Senator Clapp, whereby he was led to send the telegram he did, or is said to have sent to the Commissioner of Indian Affairs?—A. Did I have anything to do with the telegram?

Q. No; with Senator Clapp's telegram.—A. The one telegram that I knew anything about, that Senator Clapp telegraphed, was the one he telegraphed to the Secretary of the Interior.

Q. Well, it was the one about words being a supererogation, or something of that kind. It was a supererogation for him to make comments upon the character of the bids. Did you have anything to do with informing Senator Clapp and inducing him to act as he did at that time?—A. Well, I can not recall; there was a great deal I had to do with opposing this with Senator Clapp and also to Mr. Steenerson, who was our member of Congress.

Q. After the bid was rejected by the Secretary, or when the bid was rejected by the Secretary, had you then entered into the employ of the Nichols-Chisolm Lumber Co.?—A. After the bids——

Q. No; when the bid was rejected? Had you, previous to that time, gone into their employ?—A. I can not state upon what date the bids were rejected. I only heard afterwards that they had been rejected, which, as I understand it, was the intention to do, before they were accepted.

Q. Did you then enter into their employ for the purpose?—A. I entered into their employ exclusively in 1906 some time.

Q. Were you in the employ of any other lumber company at that time besides the Nichols-Chisolm Lumber Co.?—A. At which time?

Q. Well, at the time the bids were rejected?—A. No, sir; I was not.

Q. Did you know a concern called the Commonwealth Lumber Co.?—A. Yes; I knew it.

Q. It was changed over into the Nichols-Chisolm Lumber Co?—A. Yes.

Q. You were at no time in their employ?—A. No, sir; I was—I went against them at one time where they were conducting their dead and down timber operations.

Q. Now, returning to the matter of the council, I will ask you this: Is it not your custom for a long period down to a very recent date to call a chosen few of your particular friends right around and in White Earth to hold what you call councils and put those councils forth—that is, their works forth—at Washington and elsewhere as councils of the White Earth Tribe?—A. No, sir; we usually call councils and give ample notice, not less than two week's notice for those councils, or about two weeks.

Q. In what form?—A. By messengers, by letters, and by publication in the Tomahawk.

Q. Whom did you employ as messenger to send out?—A. Well, there was only one man employed.

Q. Who was he?—A. They were usually sent out by the members of the tribe at the agency. I didn't send them out. I never sent out any messenger myself, but they were sent out by some of the Indians around the agency. At least they told me at that time they had sent out messengers.

Q. Have you any means of knowing whether those messages what form they were in or whether they ever reached their destination?—A. I only knew that they probably reached their destination, because there were present some people from those places where they claimed to have sent the messages—at the council I mean.

Q. Can you name any people from Pine Point that had been at these councils?—A. You are not confining yourself to any definite council.

Q. No; these councils generally.

Q. No; these councils generally.—A. Yes; I think the last two or three councils that we had I could name some Pine Point Indians. There was Jack Rabbit and several others that I don't recall.

Q. Now, as a matter of fact, wasn't Jack Rabbit, William Potter, and, for a long while, Joe Critt, Big Bear, and some special henchmen, or followers of yours, who had come in and probably acted as you practically influenced them to act at almost any time?—A. No,

sir; and I will explain this. I hardly knew Jack Rabbit. In fact, when he was selected as a delegate to go to Washington last spring was the first time I knew him by name.

Q. Last spring?—A. Yes; last spring.

Q. Wasn't Jack Rabbit one of the men who tried to force a council on the 15th or 16th of June during the celebration with you?—A. I didn't notice that Jack Rabbit had anything to do with that council. I always thought that Jack Rabbit had been the supporter of the Burch forces at Detroit prior to the time he went down to Washington last spring. That was never my understanding.

Q. Did you assist in conducting the series of spring-wagon councils a year or two ago, either last summer or a year ago last summer?—A. Well, if you will—I don't know what you mean by spring wagons.

Q. I will define it. Did not yourself, Chief William Potter, as driver of the rig, D. B. Henderson, an attorney at Washington, and one or two others of your followers take a spring wagon and a team and go about the White Earth Reservation and other reservations improvising, sitting down, and holding councils whenever you met two or three other Indians at any particular point where you could, and pass resolutions, etc.?—A. That is a pretty long question and there is so much put into that that I can not say yes or no.

Q. Well, waive the question.—A. I can not say yes or no.

Q. I have a right to waive the question. I will put it to you again. Do you know D. B. Henderson, at attorney at Washington?—A. Yes, sir.

Q. Is he the same D. B. Henderson who received twenty-five hundred dollars and an additional amount for expenses in the Mille Lac matter?—A. Yes, sir.

Q. Was he on the reservation last summer?—A. Last summer?

Q. This past summer.—A. No, sir.

Q. A year ago last summer?—A. A year ago last summer he was.

Q. Do you know the other parties I have named; William Potter——A. Yes, sir.

Q. (Continuing.) And so on? Was William Potter in your employ as your teamster and hired man who slept in the loft of your stable during that time?

A. I don't know whether he ever slept in the loft of my stable, but I don't think he was employed by me at that time. I think Joe Bungo was my driver.

Q. Was that the same Bungo that was mentioned—the Bungo in a letter here of Senator Clapp?—A. No.

Q. That was a different one? Well, now, did you and Joe Bungo and Henderson and one or two others take a team and spring wagon and go about the reservation and elsewhere on other reservations that summer?—A. Well, I will tell you; I will explain. The question is so broad that I will confine it to what I think you want to find out. We went down in a wagon to attend the council at Callaway, and during the meeting at Callaway——

Q. Well, who got up that council at Callaway?—A. Well, I understood at that time that it was gotten up on account of the authority that Mr. Henderson read from the Commissioner of Indian Affairs, which was in the form of a letter, which authorized him to hold councils with the White Earth, Leech Lake and Winnebigo-

shish, Cass Lake, and White Oak Point Bands. The letter contained, in the first place, the authority to allow a certain number of bands. Then, in addition to that, was a telegram to Mr. Henderson stating that he could also hold council with the White Earth Bands.

Q. With the White Earth Bands?—A. With the White Earth Bands; yes.

Q. Yes. Now, was there a band at Callaway?—A. Well, they were a part of the White Earth Bands.

Q. Well, was there a band at Callaway?—A. They were a part of the White Earth Bands.

Q. Was there a band at Callaway?—A. They were a part of the White Earth Bands. I can not say that there was a band there or that there was not. I can not say. I will put it that——

Q. Was there a part of a band there?—A. Yes; I presume so.

Q. Which band was it?—A. A part of the White Earth Bands. I will explain that there are on the White Earth Reservation the Mississippi, the Pembina, the Otter Tail, the Lake Superior, the Winnebigoshish, the removals—the Leech Lake removals—and I guess that is the number of the different bands up there.

Q. Well, now, the Callaway meeting was a part of which band?—A. I don't know how many bands were represented there. I only know they were members of the tribe—the reservation.

Q. There were certain Indians got together there belonging on the reservation?—A. Yes; yes.

Q. Who gave them notice to get them there?—A. Well, I believe they got a notice from the White Earth Council. The council was held first at White Earth, and they had an adjourned meeting to Mahnomen, and from Mahnomen to Callaway, and from Callaway to Flat Lake. This was done in order to prevent the Indians from losing time going to attend the council at White Earth so as to get the consent of the largest number of the members of the reservation to the proposed contract with Mr. Henderson.

Q. Now, then, how many were present, and what notice was given of the White Earth, the original council?—A. I think the notice at White Earth was about 10 days or two weeks.

Q. How many were present?—A. I can not recollect that there was a big crowd.

Q. About how many?—A. I should judge somewhere from 75 to 100.

Q. From immediately around White Earth?—A. No; from different points on the reservation.

Q. Can you name any who were present at that time; for instance, from Duane?—A. From Duane? Well, now, I can not recall, of course, at this time, whether I could name anyone that was from any part of the reservation.

Q. I will ask you particularly. Can you remember anybody that was present from Elbow Lake?—A. Well, I believe Chief ——— was there. I think he was there.

Q. You are pretty sure of that?—A. I think so. I am not positive and I can not state, but I know there were some from there.

Q. Was there anybody present from Pine Point?—A. Well, now, I don't know everybody and I don't know where they reside. There were members of the reservation anywhere from 75 to 100 people.

Q. Was there anyone there from Twin Lake?—A. I can not say as to that.

Q. Was there anyone there from Beaulieu?—A. Now, I can not recall.

Q. Was there anyone there from Callaway?—A. Again I can not recall. I believe there were some from all those places you name. I think John Bad Boy was there; I am not quite sure.

Q. From where?—A. From Twin Lake—or the Gull Lake settlement. In fact, quite a number of the prominent people of the reservation were there.

Q. Isn't is generally a fact that every day that is pleasant in the year there are some Indians at White Earth, or possibly the agency, from some points on the reservation?—A. Well, now, there is no doubt of that; but not attending councils.

Q. No; but they would be there convenient if a crowd gathered. They would happen there, and if a crowd gathered they would be likely to get in the crowd?—A. Well, I presume so; I don't know.

Q. Now, you went around in this spring wagon. How many of you in that party?—A. I think there were from White Earth at least five or six teams that went around.

Q. In this circle of places?—A. No; they went to Callaway and to Flat Lake. To Mahnomen we went by train. But at Flat Lake there were a great many of the Otter Tail Indians—in fact, almost all the Otter Tail Indians at Flat Lake.

Q. Well now, there were five or six wagonloads that you took around from White Earth when you started out with this cavalcade. You had about enough to hold a council if you could gather in one or two, most anywhere, didn't you?—A. One or two?

Q. Gather in one or two or a half dozen persons happening to be convenient wherever you stopped?—A. No: because those that went with us did not have any vote in the other councils. They did not vote. They were simply spectators.

Q. Wherefore did they go, then?—A. They were there as spectators and, also, they had the right to sit in the council, but not to vote, because they had already voted at White Earth.

Q. What were they—blowers or strikers or heelers that came to influence those that were there?—A. No. If you will use different language, I think——

Q. Language that you can understand? I will. I will do so.—A. No; I don't understand that.

Q. I will use plain language. Did you take those five or six wagons along there to inspire those whom you might meet there with the proceedings—that is, to give them to understand that it was a generally popular movement?—A. I think the men who went with us explained to the others that it was their wish that an attorney should be employed for the particular purpose for which he was going to be employed.

Q. In other words, you took this number there to influence those they should meet in favor of this movement to have Mr. Henderson and others appointed attorney?—A. Henderson and others?

Q. Yes.—A. No; it was only Mr. Henderson.

Q. Well, Mr. Henderson alone, then. He was along?—A. He was to be appointed an attorney to commence a suit for the recovery of

the value of the swamp lands and school sections that were taken from the Indian reservations by the State.

Q. Yes; I understand. Now, who was it that paid the expenses of this cavalcade, these five or six teams and the time of the men who went, and their housing and keep and different expenses that there might be; who paid these expenses?—A. I presume Mr. Henderson did, because I didn't, I am sure. He was the man most interested in getting the contract.

Q. Oh, well, were these men who went in the cavalcade employed to go with him, or did they go for the love of it?—A. No, sir; they were not employed, at least those I know of.

Q. Well, for what purpose did they go? Did they go just for the ride, for the pleasure?—A. They were interested personally in the recovery of about a million and a half dollars that the United States gave to the State of Minnesota, which we claimed it had no right to give, and we wanted an attorney to represent us before the department. We had not been represented at all, and for that reason we wanted to employ Mr. Henderson.

Q. This was before the department, not before the Court of Claims?—A. The intention was to have the matter go before the Court of Claims eventually, if Mr. Henderson couldn't do anything before the department, and his salary, as I understand it, was to be $5,000 a year.

Q. To prosecute this one matter?—A. Yes, sir.

Q. And, so far as you know then, Mr. Henderson paid the expenses?—A. As far as I know; yes.

Q. Do you feel sure that none of those who went from White Earth participated in the votes that were taken at these other points?—A. Yes; I am quite sure.

Q. Will you kindly inform me how many votes there were at Callaway?—A. I couldn't begin to say, because there was a hall full.

Q. White people, too?—A. No. There might have been half a dozen or so spectators, but no one that would be recognized, no one that took part there.

Q. Was it a viva voce vote; that is, a vote by acclaim or a vote by division or a vote by raising of hands or a vote by secret ballot?—A. It was a vote by raising hands, and it was unanimous at Callaway, and also at White Earth. At Flat Lake there were two or three men, I think, opposed to it. I don't know; may be five or six out of the whole number.

Q. Were you to get any divide out of this amount of money recovered?—A. None whatever.

Q. Nothing at all?—A. No, sir. Now, let me correct that. I would, of course, get my interest, which would amount to considerable. We were interested. Each member of the tribe was interested to a certain extent.

Q. You, just the same as any other?—A. Yes.

Q. That is all?—A. That is all.

Q. How many days did this spring-wagon council occupy in getting out?—A. We went to Callaway one afternoon and stayed there, and the council took place in the town hall there. It lasted until, I should judge, until 10 or 11 o'clock at night; then we returned to White Earth that same night. A couple of days afterwards, two or three days afterwards——

Q. Just wait a moment on that one question and I will ask you some particulars. Were there any refreshments taken along?—A. I was trying to answer the question.

Q. I have had a sufficient answer for that part of it. State whether any refreshments were taken along.—A. No; there was not. What do you mean by refreshments?

Q. Liquor.—A. Liquor? I never used a drop of liquor in my life, and I wouldn't——

Q. I don't mean you. I am not speaking of you.—A. I thought you wanted to insinuate——

Q. No; I understand you are a temperate man. I don't mean that. I want to know what was taken along.—A. I didn't see a drop of liquor, and I don't believe there was a drop of liquor.

Q. Cigars and tobacco?—A. Oh, they may have carried cigars and tobacco along, for all I know. I don't smoke and I don't know that.

Q. Was there any feed of any kind? Were they fed in any way, or suppers bought?—A. I am not quite sure. I think Mr. Henderson paid for the suppers for the whole crowd that came from White Earth and Callaway.

Q. And the others, too—the people that gathered there?—A. Oh, no.

Q. How did it occur that it took all the afternoon until 11 o'clock at night to vote on the question of whether Mr. Henderson should be employed?—A. Well, it took an hour or two to ride down to Callaway, and we sat around until supper time. After supper we went over to the hall, the council was opened, and we discussed it for a couple of hours—the matter that was under consideration—then they offered some resolutions and voted upon them. So it took all that time to do it.

Q. They were unanimous; were they not?—A. Yes, sir.

Q. Well, why did it take that long to discuss the mere question of the employment of an attorney, two hours, if they were unanimous; if they all thought the same way?—A. Well, I presume because they wanted to know, in the first place, what they were going to vote for unanimously. You wouldn't—if you were going into a meeting you would want to know how you stood before you voted upon a question, would you not? That is the reason, I suppose, that they took so long.

Q. But hadn't that been stated in the notice calling them together?—A. No, sir.

Q. Then it was a mere notice for a council?—A. It was a mere notice for a meeting, but it was generally known what the object was.

Q. You say "generally." Had you been around among the people there to ascertain what was generally known, in advance?—A. No; but it had been published prior to that time in the Tomahawk, or about that time.

Q. May I assume, then, that all people who were gathered there read the Tomahawk, could read English?—A. I have forgotten what the circulation of the Tomahawk is. It is several hundred upon the reservation. In fact, we have a circulation in 22 States, and I assume that a large majority of the people upon the reservation read the Tomahawk.

Q. That is a fine prospectus, in answer to my question, but have you any idea—you say it was generally known, but that is all you know about it—that it was published in the Tomahawk.—A. I heard it discussed there frequently.

Q. About Callaway?—A. Why, Callaway and White Earth are only nine miles, and almost every day some one from Callaway is at White Earth.

Q. You heard it discussed almost every day by people at Callaway?—A. Yes; that is, not every day.

Q. Then, what is true of Callaway would be true of all the other towns? It was not stated to them in any notice what the purport was, because it had been discussed in the Tomahawk, and you assumed that all the people on the reservation knew about it?—A. Yes.

Q. Now, Mr. Beaulieu, you went over to other reservations in the same manner, didn't you?—A. We went to Mud Lake, on White Oak Point Reservation, and I believe that one of the men connected with the United States Indian Agency had issued a call under some instructions from the Indian Department to that effect, with regard to some matter.

Q. Were Mud Lake Reservation people interested in the swamp lands on the White Earth Reservation?—A. Yes, sir.

Q. In what manner?—A. Because all the Chippewa Indians in Minnesota were interested in the swamp lands that were taken from the Chippewas of Minnesota upon all the 10 reservations in the State. Mille Lac, of course, is not a reservation any more.

Q. Then you desire to be understood by the committee that in the application of the Nelson Act all of the Indians didn't get pay for the reservation they ceded to the United States, and there was subtracted from it the swamp lands, which would go under the internal improvement act to the State of Minnesota; that is, by general act to the State of Minnesota?—A. Yes; not only the swamp lands, but the forestry lands and other lands. I could name over other lands and we shall try to present them to the committee next week.

Q. Now, is it not true that it has been your custom for a long period of years to obtain the appointing of so-called delegates from the White Earth people to Washington to put through, or protest against, measures affecting the White Earth Reservation by the calling together of a small number of followers—a comparatively small number of followers of yours—mainly about the village of White Earth, but with one or two chosen friends or followers of yours from some of the other points, and represent them to the National authorities, either Members of the House of Representatives or Senators——

A. Will you please just make your questions a little shorter?

Mr. GRAHAM. Only one at a time. We will have it read when it is finished.

Q. Or the Department of the Interior, or the General Land Office; taking them all in line, as the real voice of the Minnesota Indians of the White Earth Tribes?—A. Will you please read that?

(Question read.)

A. No, sir. No, sir.

Q. That is all, then, if that is true. I will now pass to a different subject, Mr. Beaulieu. You at one time went to Washington for the purpose of representing the Mille Lac bands or tribes, for the purpose of getting an appropriation of money to reimburse

them for the improvements that they had upon their Mille Lac lands, did you not? You went with a delegation of that kind?—A. I went with a delegation; yes.

Q. Did you at that time send notice to Wah-wah-ye-cumig, the main chief there, to make a collection to pay the expenses of this delegation $1 per head—men, women, and children—did you so send word to him?—A. No, sir; I never did, because as a rule I paid the expenses myself. I advanced the money, rather, and the Indian Office afterwards refunded the money.

Q. In truth and in fact—in response to that—didn't Wah-wah-ye-cumig see to it that $1 per head, or in some way $700 was contributed to pay the expenses of this delegation to Washington?—A. No, sir. Not for that $40.000. If you want me to explain I will explain whether that $1 per head was——

Q. Well, or at any other time?—A. We collected $1 per head at another time.

Q. Well, that other time is the one I have reference to.—A. Do you want me to explain that?

Q. I want to find out how much it amounted to.—A. Will you permit me to explain?

Q. Not now. You will have ample opportunity. How much did you collect?—A. I think eight hundred and some odd dollars.

Q. Into whose hands did that money go?—A. It was paid to me.

Q. Now, you went in a delegation including yourself and seven members, including Wah-wah-ye-cumig, did you not?—A. Yes, sir.

Q. After performing the purpose of your mission there you started for home, did you not—the delegation?—A. Yes, yes.

Q. On the way home you had a conversation regarding these facts with Wah-wah-ye-cumig?—A. No, sir; I never had any conversation on my way home regarding these facts. I don't recall a word of any conversation.

Q. Did Wah-wah-ye-cumig ask you on the way home what became of the money I have mentioned?—A. No, sir; he never did.

Q. Did you state to him that you paid out for the delegation's expenses?—A. No, sir, I never did; no, sir; because I knew that the Indian Office had paid our expenses.

Q. That is exactly what I wanted to find out. Did he not tell you, when you made that reply, that he had been told by an interpreter who overheard the conversation that the Indian Office had paid these expenses, and that therefore you had not paid them, as you said?—A. No, sir. He knew very well, because he signed the application.

Q. That is all right. I only want to know whether it is yes, sir, or no, sir. Did you not tell him then to keep quiet about that and not mention it to others of the delegation?—A. Absolutely no.

Q. Did you not afterwards state to him that $400 of that money you would keep for the team of horses that you were to furnish him for that amount?—A. No, sir; I never said anything of the kind.

Q. Did you not, after telling him that, fail to furnish that team of horses or pay the money to him?—A. I have just said I never told him that.

Q. I know it, but I am asking you these questions for the purpose of showing what you must meet. You asked to find out what you must meet, and I am trying to apprise you of it.—A. I will meet

Q. That is a fine prospectus, in answer to my question, but have you any idea—you say it was generally known, but that is all you know about it—that it was published in the Tomahawk.—A. I heard it discussed there frequently.

Q. About Callaway?—A. Why, Callaway and White Earth are only nine miles, and almost every day some one from Callaway is at White Earth.

Q. You heard it discussed almost every day by people at Callaway?—A. Yes; that is, not every day.

Q. Then, what is true of Callaway would be true of all the other towns? It was not stated to them in any notice what the purport was, because it had been discussed in the Tomahawk, and you assumed that all the people on the reservation knew about it?—A. Yes.

Q. Now, Mr. Beaulieu, you went over to other reservations in the same manner, didn't you?—A. We went to Mud Lake, on White Oak Point Reservation, and I believe that one of the men connected with the United States Indian Agency had issued a call under some instructions from the Indian Department to that effect, with regard to some matter.

Q. Were Mud Lake Reservation people interested in the swamp lands on the White Earth Reservation?—A. Yes, sir.

Q. In what manner?—A. Because all the Chippewa Indians in Minnesota were interested in the swamp lands that were taken from the Chippewas of Minnesota upon all the 10 reservations in the State. Mille Lac, of course, is not a reservation any more.

Q. Then you desire to be understood by the committee that in the application of the Nelson Act all of the Indians didn't get pay for the reservation they ceded to the United States, and there was subtracted from it the swamp lands, which would go under the internal improvement act to the State of Minnesota; that is, by general act to the State of Minnesota?—A. Yes; not only the swamp lands, but the forestry lands and other lands. I could name over other lands and we shall try to present them to the committee next week.

Q. Now, is it not true that it has been your custom for a long period of years to obtain the appointing of so-called delegates from the White Earth people to Washington to put through, or protest against, measures affecting the White Earth Reservation by the calling together of a small number of followers—a comparatively small number of followers of yours—mainly about the village of White Earth, but with one or two chosen friends or followers of yours from some of the other points, and represent them to the National authorities, either Members of the House of Representatives or Senators——A. Will you please just make your questions a little shorter?

Mr. GRAHAM. Only one at a time. We will have it read when it is finished.

Q. Or the Department of the Interior, or the General Land Office; taking them all in line, as the real voice of the Minnesota Indians of the White Earth Tribes?—A. Will you please read that?

(Question read.)

A. No, sir. No, sir.

Q. That is all, then, if that is true. I will now pass to a different subject, Mr. Beaulieu. You at one time went to Washington for the purpose of representing the Mille Lac bands or tribes, for the purpose of getting an appropriation of money to reimburse

them for the improvements that they had upon their Mille Lac lands, did you not? You went with a delegation of that kind?—A. I went with a delegation; yes.

Q. Did you at that time send notice to Wah-wah-ye-cumig, the main chief there, to make a collection to pay the expenses of this delegation $1 per head—men, women, and children—did you so send word to him?—A. No, sir; I never did, because as a rule I paid the expenses myself. I advanced the money, rather, and the Indian Office afterwards refunded the money.

Q. In truth and in fact—in response to that—didn't Wah-wah-ye-cumig see to it that $1 per head, or in some way $700 was contributed to pay the expenses of this delegation to Washington?—A. No, sir. Not for that $40.000. If you want me to explain I will explain whether that $1 per head was——

Q. Well, or at any other time?—A. We collected $1 per head at another time.

Q. Well, that other time is the one I have reference to.—A. Do you want me to explain that?

Q. I want to find out how much it amounted to.—A. Will you permit me to explain?

Q. Not now. You will have ample opportunity. How much did you collect?—A. I think eight hundred and some odd dollars.

Q. Into whose hands did that money go?—A. It was paid to me.

Q. Now, you went in a delegation including yourself and seven members, including Wah-wah-ye-cumig, did you not?—A. Yes, sir.

Q. After performing the purpose of your mission there you started for home, did you not—the delegation?—A. Yes, yes.

Q. On the way home you had a conversation regarding these facts with Wah-wah-ye-cumig?—A. No, sir; I never had any conversation on my way home regarding these facts. I don't recall a word of any conversation.

Q. Did Wah-wah-ye-cumig ask you on the way home what became of the money I have mentioned?—A. No, sir; he never did.

Q. Did you state to him that you paid out for the delegation's expenses?—A. No, sir, I never did; no, sir; because I knew that the Indian Office had paid our expenses.

Q. That is exactly what I wanted to find out. Did he not tell you, when you made that reply, that he had been told by an interpreter who overheard the conversation that the Indian Office had paid these expenses, and that therefore you had not paid them, as you said?—A. No, sir. He knew very well, because he signed the application.

Q. That is all right. I only want to know whether it is yes, sir, or no, sir. Did you not tell him then to keep quiet about that and not mention it to others of the delegation?—A. Absolutely no.

Q. Did you not afterwards state to him that $400 of that money you would keep for the team of horses that you were to furnish him for that amount?—A. No, sir; I never said anything of the kind.

Q. Did you not, after telling him that, fail to furnish that team of horses or pay the money to him?—A. I have just said I never told him that.

Q. I know it, but I am asking you these questions for the purpose of showing what you must meet. You asked to find out what you must meet, and I am trying to apprise you of it.—A. I will meet

a great many things, I think, that the Burch crew will try to put upon me.

Q. What did become of the $800?—A. What became of the $800—$867 odd—I kept, and that was less than half what they promised to pay me for services for four years.

Q. Instead of using it for expenses you kept it?—A. I never said I used it for expenses.

Q. It was collected for the expenses of the delegation?—A. It was not.

Q. What for.—A. It was collected for me for four years' services. That was what they said at the time, and it was collected because I had secured the payment of annuities. It seems to me the record would show that if you would produce it. You produce records of anyone else, but anything in my favor you do not produce the records of.

Q. I am apprising you of what you must meet. We expect to do something hereafter, and I am willing that you may be apprised, and not be surprised, Mr. Beaulieu. That is the ordinary practice in such cases. I want no unkindness nor unkind feelings about it; I am just asking you the questions?—A. Oh, no; of course not; of course I understand that.

Q. Now, were you paid for these four years' services the $800 in addition to the $4,000 or further sums that you have collected out of them for services in connection with procuring the $40,000—the same band?—A. No, sir; I have worked for the Mille Lac Indians for 16 years, and as a result of my work they got a judgment of $764,000 and more last spring.

Q. Indeed?—A. Yes.

Q. Out of the Court of Claims in Washington?—A. Yes; and I shall show that all up.

Q. I hope so. Now, you took your pay out in advance—out of this $40,000 fund—your pay in this Court of Claims case that you have now recovered judgment in; is that what you want us to understand?—A. No; the understanding with the Indians was that I was to get 10 per cent of any amount that I would recover; that was my contract with them, in fact.

Q. Why are you speaking of $40,000?—A. Of any amount?

Q. I mean the $40,000 transaction.—A. Well, I got 10 per cent of the $40,000.

Q. Well, now, that is all right. Then, that was a separate matter by itself, was it not?—A. The $40,000?

Q. Yes.—A. Yes.

Mr. GRAHAM. Was the money paid out of the $40,000 to certain attorneys in compensation or part compensation for their services rendered in recovering this seven hundred and odd thousand dollars?

Q. Just what I am trying to find out. Do you mean to have it understood that you were getting your pay and then charging them additional for services for these 16 years in this $4,000 or in this $800——A. No. I was to get 10 per cent; and I will tell you, in the first place, the annuities were withheld from them for seven years to compel them to remove to White Earth. During that time I assisted them to get the allotments on the Mille Lacs Reservation in compliance with the act of 1889 and the promises of the Chippewa

commissioners, and I worked steadily for them—that is, I gave them all the time I could. Finally, in 1897, I resigned my position in the Government service to work for them exclusively.

Q. That is, the Mille Lacs Band?—A. To work for the Mille Lacs Band.

Q. Anybody else?—A. Nobody else; that is, in that particular work that I was to do.

Q. Was that to take your entire time?—A. Why, I couldn't work for the United States and then prosecute any claims in favor of the Mille Lacs Band; but I resigned my position in the Government service and made a contract with the Mille Lacs Band that I would take up their matters; but before making this contract they agreed to pay me $2 a head if I would get the annuity payment made to them at Mille Lacs. Well, I went up to Mille Lacs on the 6th of July, 1906 (1896), and made an agreement with them, and after that I had some correspondence with Indian Agent Maj. Allen regarding the matter, and I went up to see him a couple of times; and then afterwards Commissioner of Indian Affairs Browning came up to White Earth, and while he was there I telegraphed the agent and asked for an interview to meet with the commissioner, and he replied that the commissioner would meet me at Detroit on a certain day. I went to Detroit to Mr. Browning and stated the whole Mille Lacs case—why the annuities were kept from them, and then he advised me to write him a letter setting forth the full facts and that he would act upon them. So I wrote a letter setting forth all the facts to the agent, as he requested me to do, and set out the whole matter; and in a couple or three months' time an order was issued for payment of the Mille Lacs, and the following spring, in June, they made the payment. But I said to the Indians I didn't give as much work to this matter as I thought I would have to give, so it would be all right if I was only paid $1 a head. The agent was there and heard that statement made, and he stated to them then, "You would better pay right here as you go along," and they put a table in the pay room, to one side, and they collected the money, and the understanding was that I was to advance the expenses to go to Washington. Of course, it was understood that the Indian Office would repay that money, because the agent was going to certify to the council's proceedings authorizing this delegation to go to Washington, which he did; and the Indian Office refunded the money and also paid me for my time for two months while I was at Washington.

Q. Now, then, that was purely the money collected per capita on account of the annuities and all the services you performed in the annuity matter?—A. Yes, sir.

Q. Now, then, when you came to collect $4,000 for your services out of the $40,000 which was appropriated by Congress to reimburse the Mille Lacs for their improvements, that was by virtue of the contract you had with the Mille Lacs?—A. Yes, sir.

Q. Was that in writing?—A. Yes, sir.

Q. Obtained from the chief or from the council?—A. No; from a general council.

Q. Of the Mille Lacs?—A. Of the Mille Lacs.

Q. Was it provided in that that Mr. Henderson should also get compensation as an attorney in that council?—A. No.

Q. How did they come to pay him $2,500 and afterwards eleven hundred odd dollars and expenses in that bill?—A. Well, if I will be permitted to explain, I will explain that.

Q. Surely.—A. I worked alone for a couple of years after I made the contract with the Indians in 1896 to get their allotments made to them at Mille Lacs. I corresponded with the department, with the Indian agent, and also with the Chippewa Commission in 1900, or somewhere along there. We failed to get the allotments; they put us off under one excuse or another, and so in 1898 they passed a law, introduced by Representative Morris, now Judge Morris, of the United States district court, which cut out entirely the right of the Mille Lacs Indians to get allotments at Mille Lacs. They reserved only an 8-acre tract of land, with a perpetual reservation, which they called the burial ground; and then from that time on, from 1898 to 1902, we tried to get compensation for improvements.

Q. "We"—who?—A. The Mille Lacs Indians and myself; and it was at my suggestion and request that Mr. Henderson was retained to assist me.

Q. By whom—retained by whom?—A. By me, at my request, by the tribe.

Q. By the tribe at your request?—A. By me at my request.

Q. By the tribe?—A. Yes; I suggested that to the tribe, to the chiefs, the delegations that were with me usually, because they were authorized by the council proceedings to employ a man at that time.

Q. Then you did not pay it out of your own compensation which you had a contract with them for, but got the tribe to pay it extra?—A. Well, Mr. Henderson did a great deal of extra work that was not included in the contract, and so did I.

Q. But if you had not succeeded you would not have got the $4,000 at all?—A. If I hadn't succeeded I wouldn't have gotten anything.

Q. Well, that is all right, though equitably you would not think that it would be proper for you to pay Mr. Henderson instead of the tribe; you would still think it was proper for you to exact the $4,000, only he was the one who got it?—A. No; and I will tell you why.

Q. Well, explain.—A. Because Mr. Henderson assisted me in getting the jurisdictional act passed. Mr. Henderson and a man named Sam Powell also advised me particularly what to do. He said, you do so-and-so, and go and see the members of that committee. I knew absolutely nothing about the manner of proceeding down there, and I met Mr. Powell and got quite well acquainted with him, and he advised me how to proceed in the matter, and also assisted me—went before the committees; and on account of the work that Mr. Henderson and Mr. Powell did, Mr. Henderson got $2,500 and Mr. Powell got $400.

Q. What was the $1,100 expenses Mr. Henderson had?—A. Those were the expenses of the delegation that had been down there prior to 1902.

Q. Did he bring them down and pay their expenses?—A. No; I think it was the expenses they incurred in 1902, not prior to 1902.

Q. And did Mr. Henderson get paid for the expenses of the delegation going down there?—A. They went to Washington and they incurred at the hotel—I remember one bill at the hotel was $600 for a man named B. F. Beveridge; he kept a hotel known as the Indian Hotel down there at that time.

Q. And Henderson had to stand for it?—A. Henderson assumed the bill; rather he said that he would pay it.

Q. Then the commissioner did not pay the expenses of that delegation?—A. Not that one. There were several visits of the delegation that the commissioner did not pay for.

Q. Now, what was the occasion of your getting that $10,000 that was left over in the St. Paul bank into your hands—the First National Bank of St. Paul—how did you come to get hold of that?—A. Well, they were put into the First National Bank of St. Paul, $11,020, and the following winter, in 1903, the Indians were still working for this jurisdictional act and some other matters in connection with the act of 1889.

Q. What does that jurisdictional act mean—to commence suit in the Court of Claims?—A. Yes, sir.

Q. All right; go ahead.—A. And they went down to Washington and expended the $1,000 for expenses—I don't remember how much—I think they were a little short in their expenses. I know they were a matter of $100 or so short. When we returned to Minnesota during the summer, they decided that they wanted five tracts of land at Mille Lacs.

Q. Wanted to buy it?—A. Yes.

Q. They decided this in council, of course?—A. Yes; this was all in council; and so they authorized the payment of that money to the Mille Lacs chiefs and were to turn it over to me; the council proceedings state that, if you have the report here. That states that the amount should be turned over to me; it didn't state for what purpose, simply to turn it over—the $10,020. Then I was living at St. Cloud, and Agent Michelet came down to Mille Lacs, at the request of the Indians, to attend the council which authorized this to be done. After the amount was drawn out of the bank at St. Paul, it was placed to my credit at the First National Bank at St. Cloud, and Maj. Michelet was also present there, and he certified to everything; that is, he looked it over to see that the proceedings were all right; and after that I started in to send a man out, Charles W. Mee, of White Earth, to Mille Lacs, to buy the five tracts of land, and in some way or another it got noised about that we were going to buy five tracts, and they held them at exorbitant prices, and I recalled Mr. Mee, and then the matter was pending when I commenced suit for one tract of land, and that matter was in the courts two years, I believe, and I went out and got that tract of land for the Mille Lacs Indians; and then another case was the case in which I started, and finally the Land Office or the Indian Office took hold of it and got that tract. Those are the two tracts that we got. I think it was during that time, or about that time, that another delegation went to Washington, and we paid several hundred dollars—I can't recall the amount—for the expenses of that delegation, and they returned to Minnesota. I remained down there; I don't know how long. When I came back to Minnesota we didn't do anything that summer. The following fall I returned to Washington alone to continue to prosecute this Mille Lacs matter, and while I was there I saw that four of the Mille Lacs chiefs had commenced suit against me to recover the amount of money that had been placed to my credit—$10,020. So I wired an attorney to raise the question of jurisdiction. In the first place, I had received letters also from the Indians, asking me to pay no attention to that.

So I wrote to this attorney to raise the question of jurisdiction, and he raised that question.

Q. You said "the Indians;" may I interrupt you enough to ask what Indians?—A. Well, the Mille Lacs Indians generally.

Q. Was it in council?—A. No; I received letters, you know.

Q. Did they all sign them—600 or 700?—A. Oh, no. But let me proceed. When I returned the courts held that they did have jurisdiction—the supreme court of the State. It went to the supreme court, and I went to the Mille Lacs Indians then and I said: "I have expended a great deal of money, but if you will call a council and authorize me to pay this amount to you I shall do so; I shall pay over the whole $10,020." And some of them said that was a fair proposition, and there was a telephone in operation around the lake and I telephoned around the lake; and I went to the telephone at one time and I overheard an Indian called Win-de-nay telling Charlie Moulton, who had really instigated this trial, about this council, not to come over. I didn't know he was there. I said, "There is not a word of truth in what you say; my object is to pay these Indians if they will come over"; and the next morning a telephone message came to me telling me that all the Indians were drunk, and Andrew Dailey, the clerk at the agency office, told me that that was done in order to prevent the Indians from coming to the council to authorize the payment of that fund. He says to me, "You better go home and not pay any attention, and just let the suit come on." So I let the suit come on, and, I think it was in January—I can't recollect now just exactly what date—they sent down the same Andrew Dailey, who was one of the plaintiffs in the case, and Wah-wah-ye-cumig and I were the defendants—that is, the head chiefs and myself were defendants—and they sent him down with two or three other Mille Lacs Indians to St. Cloud as witnesses; and while they were down there there were three or four of the chiefs—three, I think—with me, and the attorneys for the plaintiff made a proposition for settlement. I went right up to the hotel where the Indians were staying—the chiefs that I claimed to be representing—and asked them what I should do, and they favored a settlement, excepting one man, and he was particularly the representative of the tribe, who had been authorized to look after everything and to ignore what he thought the chiefs might do, and he says, "No; you let that suit go on." And I explained to him that it would cost a great deal of money to let the suit go on, and that I was going to charge it to the tribe; that I wouldn't stand for any expenses; that it had already cost a great deal; and after some further consultation we decided to make a settlement, and the proposition was this, that I should turn over to the bank the amount that I had in my possession, less expenses and pay for my time. So I turned the whole matter over to Mr. Edgerton, my attorney, and all the papers connected with it, to make a settlement. I said, "Here is what we spent, here are the papers, and here, also, are the expenses that I have incurred, outside of the expenses for lands and for the delegation's trip to Washington, etc." He came in and figured out that there were $3,400 that had been expended, and he and Stewart made an arrangement, and I was to turn over the balance of $6,600, and Mr. Edgerton said to me, he said: "Stewart and Brower want $1,000. They claim these people are hard up and they want to give them $1,000." I said, "I will give them a check

for $1,000 now and turn over the balance to the bank here"; and so I did that. I gave them a check at that time and turned over the balance to the bank, after this stipulation had been signed—a stipulation as to this being paid over to the Mille Lacs Indians. The bank never paid the money according to the stipulation, and that was the cause of the article that I wrote in that paper.

Q. After you found out that your article was incorrect, did you retract it, about Howard?—A. Last summer some of those Mille Lac Indians told me during the past summer that they had never received their per capita share of that money, and I never have retracted the article that I wrote, and I will not retract it until they shall have received the full amount.

Q. Now, Mr. Beaulieu, when you took this money from the St. Paul bank did you deposit it there to your individual credit?—A. The amount was not paid; I didn't take it from the St. Paul bank; it was transferred.

Q. Well, was it deposited there to your individual credit?—A. Certainly; that was the arrangement.

Q. Not as trustee for the Mille Lac Band, but for your individual credit?—A. It was for my individual credit there, to use as I saw fit under the arrangement.

Q. Did you check out against it in your personal affairs?—A. No; I don't think so, because I had money of my own.

Q. Are you willing to state that you did not check that out on any of your own personal affairs, or any portion of it?—A. No; I had $10,000 there that I had to account for. I settled up satisfactorily to the court.

Q. During the course of this business and the time it was there, did you make use of it as of your ordinary funds, by checking against it?—A. I have no doubt I checked against it the same as I did with any other funds I had there.

Q. All right; that is what I want to know. Now, this is your explanation. When did this settlement occur?—A. I can't recollect.

Q. When was the final wind-up of that affair?—A. Well, now, I can't recall that.

Q. What year?—A. Either 1906 or 1907; I don't know which.

Q. Back that far?—A. I think it is back that far.

Q. You speak of a suit in the Court of Claims. Do you claim to have acquired a contract with the Mille Lac Band in regard to that suit in the Court of Claims?—A. Yes; I do.

Q. The Court of Claims?—A. Yes; I got a contract in the Court of Claims and it expired.

Q. Well, what then?—A. Then, afterwards, under my advice, the Indians employed Mr. Henderson.

Q. Did they make a new contract with some one else or with you?—A. No; they made it with someone else.

Q. With Mr. Henderson?—A. No; with Mr. Edgerton.

Q. Now, were you in favor of that contract?—A. In what manner?

Q. Were you a participant in any way; were you employed in any way by the Mille Lacs Band in that Court of Claims case?—A. I have been employed; I have never dropped the matter entirely, because I intend to put in a claim for my services.

Q. Oh, you intend to?—A. I intend to put in a claim for my services. I believe my work for 16 years is worth something.

Q. But you have been getting pay for years?—A. Not for 16 years.

Q. I won't argue the matter; I will put it on your testimony. Now, I want to know about this contract with Mr. Edgerton and if you are interested in it?—A. If I am interested in that contract?

Q. Yes; are you to receive any part of it?—A. Well, I have no contract with Mr. Edgerton now.

Q. Have you an understanding or agreement orally?—A. I wanted to get an understanding or a contract with Mr. Edgerton about that, and we signed one; but it was returned to Mr. Edgerton, and I can not recall that he has ever given my contract back, giving me a certain percentage.

Q. What percentage was Mr. Edgerton to have for collecting this money?—A. Oh, well, he was to have—I don't know—I think he has two or three other attorneys in with him.

Q. No; but what was your contract with Mr. Edgerton?—A. My own contract?

Q. I mean the contract—your contract expired and you claim nothing by it—A. On my contract he was to give me one-eighth of what he might collect.

Q. Who; Edgerton?—A. Edgerton.

Q. One-eighth of what he might collect of the Indians, from the Indians?—A. Collect for the Indians.

Q. You were to have one-eighth of the whole sum?—A. One-eighth of what he got.

Q. What was he to get?—A. Well, I think whatever the court—you asked me what he was to get—he is to get whatever the court shall decide—the fees to be fixed by the court.

Q. He has no contract, then, with the Indians?—A. He has a contract, but that contract has never been approved.

Q. What was the amount of that contract?—A. I think 15 per cent.

Q. Then, if the amount recovered in that suit was something like $700,000—was it?—A. Seven hundred and sixty-four thousand and some odd dollars.

Q. Approximately then, Mr. Edgerton would receive—15 per cent would be about $110.000—between $105,000 and $110.000.—A. Provided the court allowed it; yes.

Q. You were to get one-eighth of that?—A. One-eighth of whatever he got.

Q. Now, who else was interested with Mr. Edgerton in this matter, and what was each to receive—the other attorneys in this case?—A. Mr. Edgerton and Mr. Holton and Mr. Henderson. Mr. Clapp was also one of the attorneys of record.

Q. Mr. Harvey Clapp?—A. Mr. Harvey Clapp.

Q. Of what place?—A. Duluth.

Q. When was this contract entered into?—A. I don't know; three or four years ago; I can't recall. That is, the contract with the Indians, you mean?

Q. No; about this attorneyship.—A. Oh, I don't know. I can not recall when that was entered into as to the fees.

Q. Now, was it Senator Clapp or was it——A. Let me finish. Then I was to get a certain share and the chiefs and whoever went down to Washington was to get, also, one-eighth.

Q. You were to get one-eighth and the chiefs were to get one-eighth; and Mr. Harvey Clapp was to get how much?—A. No; not one-eighth. It was to be divided into seven or eight parts, I can not recall, and Mr. Harvey Clapp and Mr. Edgerton and Mr. Holton and Mr. Henderson were to get the balance. I don't know how they divided it. I can not recall just how. I think it was one-eighth. I don't remember.

Q. Was it Mr. Harvey Clapp individually, or the firm of Miller & Clapp, attorneys?—A. Individually; because he came into the case when they commenced to take testimony.

Q. And that was after Mr. Miller went to Congress?—A. That was after Mr. Miller went to Congress.

Q. And the firm had been dissolved?—A. I believe the firm had been dissolved. I never knew Mr. Miller had anything to do with that matter.

Q. I only wanted to know generally whether it was Harvey Clapp individually or the firm of Miller & Clapp, consisting of Representative Miller and Harvey Clapp.—A. I never knew Mr. Miller to be in it at all in any way.

Q. I am glad to hear of it.

Mr. GRAHAM. Judge, will you please follow the division of it a little further? Fifteen per cent would be $113,631.50. What I want to get at is whether these others who were to get a portion got a portion after that one-eighth was taken out or whether they got a certain portion of the sum total.

Q. I understand Mr. Beaulieu's statement to be that the chiefs and people who went to Washington were to divide one-eighth between them. He was to have one-eighth, and that the remainder—that would be three-fourths—was to be divided between Holton, Clapp, and Edgerton in some way not known to the witness.—A. Yes; I want to state——

Mr. GRAHAM. Just a moment, Mr. Beaulieu. One-eighth would be $14,203.90, or about that.

Mr. BEAULIEU. Yes.

Mr. GRAHAM. That would be the amount coming to you?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. Would there be an amount equal to that coming to those chiefs and others?

Mr. BEAULIEU. Yes. Well, I will tell you. It was my intention to put in a claim for more than that, because that just a little more than covers my expenses that I incurred and also for the chiefs.

Mr. GRAHAM. But this is on an agreement?

Mr. BEAULIEU. Yes; on an agreement.

Mr. GRAHAM. It is what the agreement states that we want to get now. If you have additional claims that might be shown separately, you know.

Mr. BEAULIEU. My only object was this: To show that for 16 years' service I believed that the chiefs and myself should have more money.

Mr. Graham. Now, how many other persons' shares were to come out of the [illegible] your—your one-eighth?

Mr. Beaulieu. I don't understand that they are going to have 15 per cent. I don't know what they will claim. That was the contract, but the contract was never approved.

Mr. Graham. I am asking on the theory that the contract would be approved and approved by the department, and in that event how many others would get a sum equal to what you were to get?

Mr. Beaulieu. I think they would get—well, I have named four of them, and I think there is some other attorney at Washington—I don't recollect positively, but I think there is another attorney at Washington.

Mr. Graham. Would they come in separately or would they come in with these attorneys?

Mr. Beaulieu. They would come in with these; a number of attorneys put to work in the case.

Mr. Graham. If there were four different parties, one-eighth each, there would be only four-eighths or one-half of the contract sum left for Edgerton—

Mr. Beaulieu. Yes. He gets only an equal amount with the others.

Mr. Graham. That would reduce his to $56,815?

Mr. Beaulieu. I don't think Mr. Edgerton will get that. I don't think, under his contract, that he is to get that much.

Mr. Graham. Do you mean by that that his contract did not call for that much, or do you mean that the department will probably not approve of that much?

Mr. Beaulieu. I mean in the division that he is to make with the others who assisted him.

Mr. Burch. I understand that they have an arrangement among themselves for the division of the remaining 75 per cent, with the 12½ coming to the chiefs and 12½, I think, to him, with the remaining 75 to be divided among these attorneys.

Mr. Beaulieu. No; I don't—

Q. Isn't that what you mean?—A. No; I think that is to be equally divided, and that is the reason that I think it is to be divided into eight parts. Now, I can not be positive; it may be seven parts.

Mr. Graham. Now, here is what I understand you to say: That you would get one-eighth of the whole contract sum?

Mr. Beaulieu. Yes.

Mr. Graham. The chiefs among them would get one-eighth of the whole contract sum?

Mr. Beaulieu. Not only the chiefs, but those who were down there; you see the chiefs didn't go all the time; for instance, there was a man named Goo go gee who was there; all those who put in any time would get one-eighth among them.

Mr. Graham. A lawyer from Milwaukee would get one-eighth and another lawyer from Washington would get one-eighth. That would be four eighths.

Mr. Beaulieu. Yes.

Mr. Graham. Taken from the sum total of the contract price?

Mr. Beaulieu. Yes; and my understanding is that Harvey Clapp is to get one-eighth. It may be one-seventh. I don't know. Either

one-seventh or one-eighth. It is to be divided into seven or eight parts—to be distributed that way.

Mr. GRAHAM. Is Mr. Harvey Clapp related to United States Senator Clapp?

Mr. BEAULIEU. Yes; he is his son. He got into the Mille Lac matter by being an attorney for some of the individual Indians. He had been attorney one year, appearing before the land office at Duluth, and whenever they would go there he would help them out in different matters they had, and not having money he didn't charge them, and I was not very well acquainted with him at the time. It was suggested that we employ him and give him an interest in this Mille Lac matter, and that is how he got in.

Mr. GRAHAM. I want to straighten myself out on this matter. It seems from the record, as I understand it, that the judgment rendered by the Court of Claims is a final judgment.

Mr. BEAULIEU. No; it is not final, because there was an argument made recently about the matter. Last Monday, I think, a week ago——

Mr. BURCH. I can explain that, I guess——

Mr. GRAHAM. At this point let us read into the record the jurisdictional act to which he referred, approved February 15, 1909, Thirty-fifth Statutes at Large, 619:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine the suit or suits to be brought by and on behalf of the Mille Lac Band of Chippewa Indians in the State of Minnesota against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation, in the State of Minnesota, embracing about sixty-one thousand acres of land, to public settlement under the general land laws of the United States; and from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the said case shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Mille Lac Band of Indians, and the same shall be paid out of any sum or sums found due said band or to the Chippewa Indians of Minnesota.

Mr. BURCH. I can answer the question that you ask of Mr. Beaulieu. The case was adjudged in favor of the Mille Lac Indians, but the decree provided that if the result—the judgment—were disputed, the money should be distributed among the Indians of the White Earth Reservation.

Mr. BEAULIEU. No, no; of the State of Minnesota.

Mr. BURCH. Of the State of Minnesota. In other words, it didn't give it to the Mille Lac Indians proper and this matter—in this case, rather, Mr. Anderson, the attorney for the Department of Justice, who defended this case, made a motion for a new trial, or hearing, as it is termed in the Court of Claims, basing his motion largely upon the case of the United States against the Fond du Lac Band up there—a case of my own in the Court of Claims years ago. And that is what he means was argued last Monday in the Court of Claims. It is an argument for a rehearing of the case; in other words, a motion for a new trial; although, of course, it is subject to an appeal to the Supreme Court. In other words, it is not by any

means a settled matter as yet, a finality. Does that answer the chairman's inquiry?

Mr. GRAHAM. Yes. Of course the presumption is, and we cheerfully follow the presumption, that the court decided rightly on the evidence; but being familiar with it, can you tell us why the Mille Lac property—the judgment in question—goes to the benefit of all the Minnesota Indians instead of Mille Lac Bands?

Mr. BURCH. I have a theory, but I don't know. My theory is that it must have been because the Mille Lacs were thrown into and participated in the White Earth property and, therefore, in all the property throughout the State; that is, the tribal fund that arose from the property, and therefore were in duty bound to surrender their own.

Mr. GRAHAM. In other words, the property was thrown into a hotch pot.

Mr. BURCH. By the act of 1889, the Nelson Act; that is my theory.

Mr. BEAULIEU. The claim was started on behalf of the Mille Lacs alone. We claim that the Mille Lacs should be paid that amount regardless of the Nelson Act, because the losses that they have sustained were prior to the Nelson Act. But when the court rendered a judgment it said that they had—inasmuch as they had consented to a pool of the property, or the reservation that they owned, it should be put into a common fund.

Mr. GRAHAM. Is that the point upon which the appeal is being taken?

Mr. BURCH. No.

Mr. BEAULIEU. No; I think not. I think it is the same point that was involved in the Fond du Lac case.

Mr. BURCH. Well, in the case of the United States against the Fond du Lac Band—that case in the Court of Claims which I tried many years ago—it was decided that the parties—the Nelson Act was an equitable adjustment of all the affairs with these bands of Indians, and hence they had no claim against the United States after that was carried out; that it was a completion of the Nelson Act, a finality with the Indians, and that these claims were not well founded—the claims were wiped out by the force of the Nelson Act.

Short recess.

Examined by Mr. BURCH:

Q. Now, Mr. Beaulieu, you say that if anything is ever recovered, in addition to the one-eighth which would be your share of this attorney's contract, you expect to make a claim for 16 years' service against these Mille Lac Indians?—A. Yes, sir; that is, in this particular claim.

Q. In this particular claim. But would that be making a claim against the Mille Lac Indians' proportion of it, do you mean, or against——A. No, sir; against the whole thing.

Q. Now, I will pass that matter for the time being—or I guess finally—and ask you if you know such a case as Wadena *v.* The United States? You know who Wadena is—Wadena, of the Mille Lacs?—A. Wadena, of the Mille Lacs—I know Wadena.

Q. Did you know there was what you call an individual suit of Wadena against the United States?—A. This is the first time I have heard anything about it.

Q. Mr. Beaulieu, you have seemed to feel from time to time, have you not, that you are a sort of a special protector, a—I won't say guardian—but the leader and defender of the Minnesota Indians, particularly of the White Earth Indians?—A. No, sir. Well, I have been, in my own behalf as much as in the White Earth Indians I have been interested, because I am interested in the funds that have been expended and the manner in which those funds are expended, is what I have criticized and what I believe has drawn down the fight of the department against me to-day.

Q. Wherever, within your observation or experience during these years since 1902, you have noticed parties who were hardly able to look after their own interests, you have made it a point to look after their interests for them, have you not?—A. Whenever they have called upon me to do so, and they have very often called upon me.

Q. And sometimes you have volunteered your services in cases of need?—A. No, sir; I never have.

Q. Do you know a man by the name of Thomas Skin-a-way?—A. Yes; I know him, of course. He is in this court room or building somewhere.

Q. Mr. Skin-a-way was a Mille Lac allottee on the White Earth Reservation, was he not?—A. Yes, sir.

Q. He had considerable pine timber on his land, did he not?—A. Yes, sir.

Q. Did you negotiate a sale for that timber with the Nichols-Chisholm Lumber Co. for him?—A. I don't know whether I negotiated a sale, I know I took the contract.

Q. You purchased timber for them of him, did you not?—A. Yes; I took the contract. I can not remember who made the——

Q. What was the price to be paid by the Nichols-Chisolm Lumber Co.?—A. $17,000; that is, for his and his wife's.

Q. How much was his?—A. I can not recall now.

Q. Was he paid directly or indirectly; that is, directly through you, or indirectly by the company to you?—A. Do you know the whole transaction?

Q. I ask you the question.

Mr. GRAHAM. Just answer the question.

A. I can explain that thoroughly, so that it will save time.

Q. Never mind; you may answer the question and then explain afterwards.

A. Some of it was paid by the Nichols-Chisolm Lumber Co. directly to him, and then another portion was paid, I think, to the Chippewa State Bank or me; I couldn't say exactly. Possibly to me; I think it was paid to me.

Q. Well, was there one check or payment of it that amounted to about $14,000; twelve or fourteen thousand dollars in one check or draft?—A. Oh, well, I can not recall how much it was. There was one for quite a large amount; that was after he had made an assignment.

Q. Yes; to the company?—A. No; he had assigned an assignment to some party in Detroit, and he came up and appealed to me to help him.

Q. An assignment of what?—A. Of his claim against the company.

Q. Well, he got a check and draft from the company, did he not?—A. The check was made payable to him; yes. I believe——

Q. It was for twelve or fourteen thousand dollars, wasn't it?—A. I can not recall the amount; I think about thirteen thousand and some-odd dollars.

Q. It hadn't passed through your hands to him by the Nichols-Chisolm Lumber Co., had it?—A. It was sent either to me or to the bank, I can not recall.

Q. Well, it was delivered to him, so that he had it in his pocket, didn't he?—A. No, sir.

Q. What bank do you mean, White Earth Bank?—A. White Earth Bank.

Q. Do I understand that he didn't have this in his vest pocket?—A. No; because he had sold his claim to the White Earth bank before he assigned his claim, and he made the assignment at first for $4,000, and subsequently he sold the claim to the bank in 1907, when no money was being paid out by any of the banks.

Q. Well, didn't he have the evidence of that in the form of a certificate of deposit or draft or something, carrying it about on his person?—A. No; I don't recall that he did.

Q. And did you not get it from him, telling him that was unsafe, and to let you take care of it?—A. No, sir; no, sir; no, sir.

Q. And did you not take that and invest it on your own account?—A. I invest it?

Q. Without his knowledge?—A. Oh, no. At his request, I invested it; that is, I sold a building afterwards. That is what I want to explain.

Q. Now, you may have your version of it after I get through asking my questions. We want it all properly ventilated. Did you obtain that check from him and, without his knowledge or assent, on pretense of keeping it from him, take it and invest it in a building in this city, taking a deed for that building in your own name?—A. Well, you have asked me two questions.

Q. Well, did you take that check or certificate or other evidence of indebtedness, whatever it was, saying to him that it was unsafe for him to carry it about, and that you would take it and take care of it for him?—A. No, sir.

Q. Well, I will go right ahead now with my question: Did you not, after that time, take that check and draw the money on it and invest it, as you claimed, in property here in this city—real estate—just across the river here, in your own name?—A. I had the money——

Mr. GRAHAM. Now, just a moment there. I am not quite clear, Judge Burch, where this might lead to. But the witness should be notified that if by any possibility his personal rights might be jeopardized in connection with it—for instance, in a prosecution, if he took some one else's money in a criminal way and converted it to his own use—his answers might embarrass him somewhat. If there is any element of criminality in it, I would like to know it, so as to warn the witness about his rights, so as to protect his constitutional rights.

Mr. BEAULIEU. Well, I am acquainted, Mr. Chairman; I know [illegible]h about the rules of evidence so that I can protect my rights if [illegible]empts to try——

Mr. GRAHAM. That is sufficient. I would feel it my duty to protect them for you.

Mr. BEAULIEU. I am much obliged for that.

Q. What do I understand the answer to the question to be?—A. I didn't answer the last question.

(Question read.)

A. Well, I am going to be permitted to explain that matter, and I will answer now, no, sir.

Q. Did you not own that property in your own name, execute mortgages upon it, and otherwise encumber it, draw the proceeds from the rents, profit of it, for a period of a year and a half or two years—anyhow, considerable time—and practically extract all the value out of it before parties acting for Mr. Skin-a-way succeeded in getting it back from you?—A. No, sir.

Q. What was left of it? Are you aware that only $1,800 of that amount, or thereabouts, was ever realized or received back by Mr. Skin-a-way?—A. Yes; so he told me here last summer, and he gave me his version of the transaction that Mr. Long and William F. Bickle had put through down here.

Q. I will probably get his version of the whole transaction later.—A. I will be very glad to have you do so.

Q. Now, you did in fact get the check from him, or draft, or notes, or whatever it was?—A. Now, I didn't get a check from him.

Q. Was it then in the form of four notes of the Nichols-Chisolm Lumber Co.?—A. I think it was in the form of four notes that he sold to the banks; and afterwards—I don't know whether it was verbally or whether he gave me an order on the bank to transfer that amount; I think he told them right there, when the transaction took place, to transfer the amount to me.

Q. To you?—A. Yes.

Q. Then you say that you did get this amount by transfer from the bank to you—but you did get the amount?—A. What amount?

Q. The amount of the four notes, a little less than $14,000.—A. No, sir.

Q. Over $13,000 and slightly less than $14,000?—A. No, sir. No, sir. No, sir.

Q. You say you didn't get it?—A. I say I didn't get it.

Q. You didn't get any portion of it?—A. I got a portion of it, but not that much.

Q. How much did you get?—A. I think in the neighborhood of $10,000; I don't recall exactly. Somewhere in the neighborhood of nine or ten thousand dollars.

Q. By this transfer of the bank?—A. No; not this transfer of the bank. It is an order that he gave the bank. That is, I was at that time the president of the bank.

Q. Yes; and he gave an order on the bank to you and you got that amount?—A. Well, he authorized the amount to be transferred to the cashier who was there.

Q. Did you ever after that pay him back any portion of that money in cash; I mean in cash or——A. No, sir—oh, yes, I gave him some amount of it, but not—I guess a small amount. I don't recollect how much.

Q. Was that amount invested in real estate in this city, substantially that amount?—A. Well, I transferred a building to cover the amount.

Q. Did you invest it?—A. To cover the amount?

Q. It wasn't that particular fund?—A. No; because he didn't decide upon the building until some time afterwards.

Q. Well, you say then that the investment, so far as you were personally concerned, you never returned but a small amount of that?—A. No; I never—I returned the whole amount, I would say.

Q. Yes; in a way.—A. That is, I transferred property that he wanted to get.

Q. Yes. Well, now, do you know—you will have an opportunity to explain these things afterwards and possibly it may be that I am doing so——A. Oh, of course, you are doing it all for me.

Q. I am doing it so that you may be informed what you have to meet.—A. I am thoroughly informed, because I know exactly——

Q. All right, then. That is enough. Now I will ask you if you know Wah-wah-ye-cumig?—A. Yes; I do.

Q. Is he a chief by courtesy, as you call it?—A. No; he was a chief before 1889, and we still recognize him through courtesy.

Q. You call him Chief Wah-wah-ye-cumig by courtesy, now?—A. Yes.

Q. Of the Mille Lac Band?—A. Yes.

Q. He is also here?—A. Yes.

Q. Did you receive in a similar manner—that is by taking it to take care of—did he have a pine allotment?—A. Yes.

Q. Was that sold to the Nichols-Chisolm Lumber Co.?—A. Yes; I know it was.

Q. Did he receive a large amount of money for it?—A. I believe he received $18,500 for it.

Q. Now, at any time did you take or receive from him a large amount, a large sum, from that $18,500 for safe-keeping?—A. After he was charged with the crime of murder he called upon me and then turned over an amount. I think it was $8,000; along about there; I can not recall the exact amount.

Q. In what form?—A. It was in the form of a duebill.

Q. On whom?—A. On the Nichols-Chisolm Lumber Co.

Q. Yes. And did you draw the money on it?—A. I did.

Q. Did you ever return the money to him?—A. I did; a large portion of it. We have never had a settlement, and I will explain why it was. The whole thing.

Q. Later on you may. You claim you really paid to him a large portion of that money?—A. Yes, sir.

Q. Now, I don't know. I have before me, Mr. Beaulieu, an account, or statement rather, of the amounts of money out of this $18,000, with other things.—A. I didn't testify that I received $18,000.

Q. $8,000, I mean. And I don't know whether it is fair to you that I should go into that at this time. I want to ask you in a general way if you have paid him back that money, and you say you have paid him back the amount or a large portion?—A. Well, we have never had a settlement. If I pay his note—he has got a note for $1,500——

Q. You are insolvent, are you not?—A. No, sir; I am not.

Q. Haven't you so testified in what is called supplemental proceedings a short time ago?—A. I didn't say I had nothing left.

Q. Didn't you testify that you were not the owner of any property?—A. I testified to a certain amount of property. I testified I had somewhere along about fifty or seventy-five thousand dollars' worth of property.

Q. In the supplemental proceedings?—A. In the supplementary proceedings; yes.

Q. They will speak for themselves. You say you are not insolvent, then?—A. Well, I do not consider myself insolvent.

Q. You have not so testified in effect?—A. No, sir; I have not.

Q. Well, that is all right then.—A. I don't think I would try to evade a judgment of $450 when I had fifty to seventy-five thousand dollars' worth of property.

Q. I will say I am not quizzing about your personal affairs, so much, as I am showing what happened to those Indians for whom you acted.—A. I am perfectly willing you should go into all my matters as for as you want to.

Q. All right. All right. Now, have you been administrator or guardian for any Indians by appointment of the probate court, of Becker County, Minn.?—A. I have been guardian for a great many estates, I think.

Q. Were you guardian, for instance, of the estate of We-sug?—A. I have been appointed guardian for that estate.

Q. What was the amount of that estate?—A. I think a couple or three thousand dollars; I can not recall.

Q. And were you guardian or administrator?—A. I was administrator.

Q. I think it was administrator. Now, that was cash, wasn't it, the property was in cash?—A. Yes; it would be. I would think it was cash.

Q. How much of a bond did you file—what was the amount of the bond you filed in that instance?—A. I can not recall; it was before——

Q. Was it $200?—A. Possibly $200. I don't know.

Q. Was it?—A. I don't know. I gave a bond for $2,000.

Q. Are you sure of that?—A. I am positive of that, of the Nichols-Chisolm Lumber Co.

Q. A bond of the Nichols-Chisolm Lumber Co.?—A. To the Nichols-Chisolm Lumber Co., because it turned over the amount to me as administrator.

Q. Well, I mean to the probate court?—A. I can not recall what the bond was to the probate court.

Q. You wouldn't say that it was $200?—A. I can not recall. I was administrator for so many estates, I can not recall that.

Q. Has the judge of the probate court ordered pou to pay that money into court and have you declined, refused, or neglected to do so?—A. I can not recall just what the judge of probate ordered me to do, but I can say this: That after you commenced the suits I deemed it unsafe to pay over the amount to anyone.

Q. Even on the order of the judge of probate?—A. Even on the order of the judge of probate. And then the case was appealed—unless the courts would direct me to do so—the case is now pending in the court to say what will be done.

Q. Where is the money?—A. I have got the money.

Q. Where?—A. What?

Q. Where?—A. Well, I don't know as I have to tell you where the money is.

Q. Well, I want to know where the money is. If you have the money and the probate court has ordered it paid over, I want to know where the money is.—A. I don't think I will answer that question, because it is now in the courts.

Mr. GRAHAM. Judge Burch, this line of examination is not quite clear to me.

Mr. BURCH. Well, the witness is largely involved in the affairs of these Indians and has purported to act as a personal friend and guardian and confidential adviser of them in a way. My purpose is not so much to inquire into his personal affairs as to show in this case just as in other cases the incompetency of these Indians to manage their own affairs and the advantage which has been taken of them not in a single instance, but in several, with many of them, in their personal affairs by Mr. Beaulieu; that he has been one of the principal actors. If the committee think that it is not germane to any inquiry of theirs and they don't care to hear it——

Mr. BEAULIEU. Mr. Chairman, may I be permitted to say a word? The reason I declined to answer the question is that the case he is referring to is in the courts here, and I don't want to give away my case here until it has been tried in the courts. I don't want to give them the advantage, and as long as it is in the courts my bonds to the Nichols-Chisolm Lumber Co. are sufficient to cover the whole amount, and, furthermore, I can explain why the whole thing was put into the court. I have made charges against Mr. Burch and his corps and the Indian Office at Washington and the administration generally for spending $5,000,000, and those charges I thought were going to be investigated. I have been tried at Fergus Falls, and I can not be tried again before this committee. What I want is to have my charges against them investigated. That is what I appeared here for, not because I think this committee has any jurisdiction over anything I have been doing or have done. I simply appeared here expecting to prove what I have charged to the Indian Committee at Washington, to the department, and, lastly, to your committee.

Mr. GRAHAM. Well, the committee would doubtless have brought you here, Mr. Beaulieu, in any event, and as to the other parties, you are going to have that opportunity if you live and we do. But in this matter I don't see how it can concern this committee or the investigation whether the probate judge of some Minnesota county required bonds from an administrator; nor do I see that we should go into the use which the administrator made of the funds unless it should be shown that in some way the Indian Bureau or some of the officers of that bureau had been at fault in that matter.

Mr. BURCH. What we had expected to show in this instance was that, as I understand it, the money belonging to them never went into the hands of the Indians.

Mr. GRAHAM. Now, was it the duty of the department to look after that and see that it should have gone into the hands of the Indians?

Mr. BURCH. The Government certainly assumes the guardianship of these Indians and persistently does so, although it has in some

respects relaxed the rigor of its guardianship. Now, the question as to what becomes of them, and in what position they are placed, and to what condition they are reduced; what possibility there is of their becoming claimants upon the United States—the administration of their affairs as public charges, or anything of that kind—becomes a question for the consideration of Congress, it occurs to us.

Mr. GRAHAM. They can not become public charges upon the Federal Government.

Mr. BURCH. No; because there is no such provision——

Mr. GRAHAM. So far as anything the county of Mahnomen might suffer, we have nothing to do with that.

Mr. BURCH. Do I understand the chairman to state that it is impossible that equitable claims might be made upon Congress for all this condition of affairs that apparently develops in this case in one form or another?

Mr. GRAHAM. The Chair thinks that some of the matters you are presenting here might make a foundation for an equitable claim; but it has not appeared yet that the matters you are now inquiring into would be the basis for a claim against the Government. Suppose he was appointed administrator on the estate of some deceased Indian in the county court of Mahnomen County. Evidently that Indian had been emancipated.

Mr. BURCH. No; not surely emancipated.

Mr. GRAHAM. Do they administer in the estates of deceased full bloods?

Mr. BURCH. It has already been decided by the circuit court in this district, in one of these cases, in a matter that was raised at Duluth, that when a person died and there was a decedent, under the laws of the State of Minnesota, the heirs could convey, even if the decedent was a full blood.

Mr. GRAHAM. Well, now, let me ask you, in case an Indian dies leaving property, and that property was administered on in the State court in the county of Mahnomen, say, or Becker, is it the duty of the Indian Bureau, through some one, to see to it that a proper bond is taken from the administrator and that the administration is properly carried on?

Mr. BURCH. Well, I don't know that, strictly speaking, in the case you mention, it would be so. But I do know this: That the general condition which arises out of this unfortunate legislation there has already been heard by this committee, and these are kindred conditions that arose out of what occurred there, and on that reservation and from that legislation, and naturally, it seems to me, should go before Congress as indications of how far they must extend their efforts in the way of legislation for the protection of these Indians, because in the case of the United States against Allan, in the United States Circuit Court, speaking through Judge Amidon, in a very carefully considered case, it is held that, notwithstanding these Indians may become citizens of the United States, may have taken an allotment in severalty, and then become possessors of the real estate in fee simple absolute, that yet they still are within the guardianship of the United States, to an extent, and that the United States assumes yet to look after the interests in which they are involved to some extent, if I understand the decision correctly in United States against Allan. Now, the affairs of these people, while not abso-

lutely within the meaning of the State law, are within the province of Government attorneys to remedy, one way or another, their general welfare; that is, within the guardianship still retained by the United States and a subject for consideration by the United States authorities. At least that is the idea we have and the reason we have offered this.

Mr. GRAHAM. Now, let us take another view of this subject, entirely apart from this witness or this matter: Suppose that some improper person is permitted to qualify as administrator of the estate of a deceased Indian, and that the administrator wastes the estate; if the committee went into this matter and found the facts to be so, what officer of the Indian Bureau is there whom the committee could censure for permitting that to be done?

Mr. BURCH. If they had a tribal attorney—I suppose they had none here, and the reason for appointing none here was that there were attorneys in the Department of Justice and representatives in the Indian Bureau here. I understand that is the reason why the Secretary and the commissioner declined to allow anyone to be appointed among several applicants. I suppose that the tribal attorney, it would be his duty to act for these Indians yet, under the guardianship that is sought to be retained in part by the United States.

Mr. GRAHAM. That is not an officer that we could reach. We could only get after the Commissioner of Indian Affairs for permitting such a man to act as tribal attorney.

Mr. BURCH. Well, he is not an officer you could reach; but he is an officer nevertheless paid out of the tribal fund, by direction of the Commissioner of Indian Affairs acting under the Secretary of the Interior. For instance, while the tribe selected him, it was done at their own election; he is really appointed primarily by the Secretary of the Interior, through the Commissioner of Indian Affairs. His salary comes out of the tribal funds, that is true; but these tribal funds are drawn out through the Commissioner of Indian Affairs and the Secretary of the Interior—out of the tribal fund—his pay. The United States has not paid them over to the Indians, and by virtue of that guardianship over those funds it is a matter strictly within the expenditure of the Interior Department, although it may be in its capacity as guardian rather than in its direct administrative capacity.

Mr. GRAHAM. Do you think that the United States Government would be liable for the money of an estate so wasted through the negligence of a tribal attorney?

Mr. BURCH. It would be liable, for instance, if Congress ordained.

Mr. GRAHAM. But should it be in equity? If it were a citizen standing at arm's length with another citizen, would it be?

Mr. BURCH. In ordinary citizenship it certainly would not; but, as I have explained before, the situation of these Indians is anomalous; it is not anything like that of absolute guardianship of a private individual, of a private ward, or the administrationship of the estate of a decedent who is a private individual, and where a private individual is the administrator; that is not claimed, but a general guardianship somewhat shadowy and indistinct in its direct line, but still nevertheless a guardianship, seems to be exercised over these Indian unless they have absolutely gone into civilized living and become

ordinary citizens, separated from the reservation and from that care which the department can exercise over them.

Mr. GRAHAM. Of course, you and I agree that we are not investigating Mr. Gus Beaulieu, but we are going into his conduct only as an incident to the conduct and management of the reservation out there. If Mr. Beaulieu had dealings with some one not an Indian or some one off the reservation, no matter how scandalous they might be, we could not go into them; we could not go into and examine that conduct unless the Indian agent up there, with knowledge of his character and conduct, would employ him to act for the Government in dealing with the Indians. That is, we could examine into his acts and doings as only a mere incident and because the officers of the Indian Bureau used him or permitted him to act for them; we could censure them for their carelessness in employing such a person, but with the person himself we should have nothing to do. In this case, Judge Burch, it seems to me that you are wandering far afield in going into these administrative matters.

Mr. BURCH. And the same in regard to the others? That is, the matters in which money was received from these Indians' pine and taken by Mr. Beaulieu and invested, etc.; the same rule would apply then?

Mr. GRAHAM. Well, I doubt if it applied with so much force, for this reason: That where a death has occurred, or the ordinary legal machinery of the county intervenes, we are bound to presume that the probate judge and the probate court performs its duties properly.

Mr. BURCH. That strictly is so in these cases; that is true.

Mr. BEAULIEU. Mr. Chairman, now, these matters he is bringing up here are matters of mixed-blood Indians; they are so reported on Mr. Hinton's roll. If you are going into the deals with all the mixed bloods, I think it would be a good thing for you to go into the deals with me. These white people and Government people should go into the deals with me as well as go the way Mr. Burch is trying to do—to have all the matters investigated where mixed bloods were concerned. I think mixed bloods were entirely outside of the jurisdiction of the case.

Mr. GRAHAM. The only reason, Mr. Beaulieu, that occurs to me now for going into this matter would be this: Your own testimony has shown conclusively that in calling the councils, in acting for the Indians, and in managing things on the reservation—or at least a part of them—you have been more active, from the evidence produced here, than any other one person.

Mr. BEAULIEU. Not from my view.

Mr. GRAHAM. Now, it occurs to the chair that that is true. You have gone to Washington, you have published the Tomahawk, you have published notices in it about council meetings, and you have stated here that that is at least a part of the claim made for the validity of council meetings at which action was taken, and things done in pursuance of that action. Now, in going into the matters on the White Earth, it is quite difficult to separate your personality from those matters, but as the committee see it, you have got into it as an incident merely.

Mr. BEAULIEU. Oh, of course, I am the editor and publisher of the Tomahawk, and that is the whole secret.

Mr. GRAHAM. Well, who else would you say has been as active as you in calling councils and attending them, in participating in them, and in going to Washington and representing some band or another, and all that?

Mr. BEAULIEU. Well, I would say that all the headmen of the reservation——

Mr. GRAHAM. Mention some one, or a few whom you think, according to this evidence, participated as actively as you in those matters?

Mr. BEAULIEU. Among the Indians I would mention Wah-Wah-ye-cumig and Andrew Dailey and Me-ge-see and Nay-gwon-ay-be No. 1 and No. 2.

Mr. GRAHAM. Do they all speak English?

Mr. BEAULIEU. Those are Mille Lacs; those are the chiefs; and I might also name Go-gee. Now, at White Earth I could name—do you want me to name a few now?

Mr. GRAHAM. The ones whom you think were as active as you in managing things on the reservation, attending council meetings, and in acting as a delegate to Washington, and as active in their affairs at Washington, as spokesman before congressional committees, etc.

Mr. BEAULIEU. I would say all the chiefs without naming them.

Mr. GRAHAM. The evidence does not show it, in my judgment. I do not know of a bit of evidence that tends to show that any one of these appeared before a committee or appeared before a Senator or tried to introduce anything at Washington or take any particular action.

Mr. BEAULIEU. Well, I am giving that now in answer to the question: You say, "Who?" I say, all the chiefs without giving their names.

Mr. GRAHAM. Very well.

Mr. BEAULIEU. Well, the chiefs of the White Earth Band, and all the chiefs of the Ottertail Band; all the chiefs of the Pembia Band—that is those who are recognized as chiefs; all the chiefs of the Red Lake Band, all the chiefs and head men; I would also add the head men of all those bands, the Leach Lake, Winnebegoshish, Cass Lake, White Oak Point, and in fact upon all the reservation.

Mr. GRAHAM. We have had a very strenuous day and have taken more oral testimony than any day during the session, and I am sure that the reporters are tired. The matter is of some importance, I think, but we can stop here and think it over until morning.

Mr. BURCH. Unless the committee have reached a conclusion while this matter was going on and unless the committee themselves want it—we will go ahead in the morning if they so desire—but I am personally inclined to feel that we have work enough elsewhere and in other directions upon this record, to let this matter go. It is trenchant, as I admit, along the line of guardianship of the Indians, where it then becomes a little shadowy and indistinct, even in the decisions of the courts; and I don't want to have it thought by any person alive, in Congress or out of it—even those who have criticised me severely—that I am straining a point to make any showing in this matter. There is enough without it, and I am inclined personally to let go of it, to drop it, to save the time, and devote it to other purposes. But if the chairman, over night, should conclude that it is

desirable to have it, why we will proceed in accordance with the wishes of the committee, or assist it in finding out whatever there is.

Mr. GRAHAM. I confess, Judge, to a strong dislike to going into anything which has come under the purview of a court, and these administrative matters do belong there. It is very hard to draw the line in cases of this sort, and yet one has to draw the line somewhere. It has been said that every fact in the world is related to and is relevant to every other fact in the world, and that is probably true. But some of these facts are so little related to some of the others, and are so remote from them, that if you wander too far, their trifling value, even as evidence, does more harm by confusing things than it does good by shedding light on them. And I think we have reached pretty near that border land, or, as they call it nowadays, the twilight zone, where we might enter and find facts based on evidence of so little worth that it might do more harm than good. Maybe we can think more clearly in the morning.

Mr. BEAULIEU. There are some statements here I was compelled to make, that I would like to explain.

Mr. GRAHAM. To-night?

Mr. BEAULIEU. I guess I will wait until to-morrow morning.

Mr. GRAHAM. You may have the opportunity, and if you wish it, you may have it to-night.

Mr. BEAULIEU. I would just as soon wait until to-morrow morning.

Adjourned until Saturday morning, February 3, 1912.

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

SATURDAY, FEBRUARY 3, 1912.

Mr. BEAULIEU took the witness stand.

Mr. BURCH. Mr. Chairman, while I would be glad to continue the questioning of Mr. Beaulieu this morning, there are four or five witnesses here now, some of whom I can not insure the attendance of again without the expense of traveling, etc. I think I ought to put them on the stand now, and then if there is any time, I will proceed with Mr. Beaulieu; or if not we can continue with him in Detroit.

Mr. GRAHAM. That is a wise suggestion.

Mr. BURCH. Mr. Beaulieu, I will defer further questioning of you for the present.

Mr. BEAULIEU. Mr. Chairman, before you proceed, I would like to say that during the day some time I would like to read into the record the charges which I will try to substantiate at Detroit against the officials.

Mr. GRAHAM. You want to get that in to-day's record?

Mr. BEAULIEU. I want to get it in to-day's record so they may be prepared to meet them.

Mr. GRAHAM. Very well.

Mr. BURCH. No objection at all, and I would say I will be very glad if Mr. Beaulieu would look over these affidavits, if the committee takes an early adjournment to-day, so that we may be prepared to save time in that way. Mr. Linnen will be at Mr. Beaulieu's service with the books, and we want to take the books back to Detroit; we may want to send them on the 5 o'clock train. And if Mr. Beaulieu will kindly arrange to look over these affidavits after the adjournment of this session, I would be very glad.

Mr. GRAHAM. We have quite a good deal to do before leaving the city, and if it will not inconvenience anyone, we would like to make one long session of it to-day, and when we adjourn, at 1 or 2 o'clock, that it be to meet in Detroit on Monday next. Of course it is not a hard and fast matter. If the occasion seems to require otherwise, we will act otherwise.

Mr. BEAULIEU. I would like to ask Mr. Burch whether he will have Mr. Linnen, Mr. Harper, Mr. Long, and Mr. O'Brien at Detroit. In case he does not intend to do so, we want them subpœnaed in our behalf.

Mr. GRAHAM. Do you mean Mr. O'Brien who is associated with Judge Burch?

Mr. BEAULIEU. Yes. I assume, of course, that Judge Burch will be there, because we shall also call him to the stand.

Mr. GRAHAM. Yes.

Mr. BURCH. The gentlemen named will be there conveniently and constantly, except Mr. Linnen, who is a little bit handicapped by

directions from his department and his official business. I think, probably, we will be obliged to have him there, however, for Monday, and I would request, if Mr. Linnen is to be wanted there, that he be disposed of at the earliest possible moment after we get there, and at a convenient time, so he can get away.

Mr. BEAULIEU. That will be satisfactory so far as we are concerned, but we have included Mr. Linnen in the charges we have made.

Mr. BURCH. He will be there, probably, but we want to get through with him as soon as may be. As to the rest of us, I shall be there, I hope, until the close of the proceedings and no doubt the rest of our force will be.

BYRON F. CARR recalled.

Examined by Mr. BURCH:

Q. Mr. Carr, you have been engaged in cruising for the Department of the Interior, Indian Bureau Service, for a period of two or three years, have you not, during a portion of each year?—A. Yes; for three years.

Q. And in your service have you been called upon to traverse the diminished White Earth Reservation in many different localities?—A. Yes, sir.

Q. During the past three summers?—A. Yes, sir.

Q. What portions of each year have you been engaged in cruising there?—A. I have been in every township on the reservation in the past three years.

Q. In that way have you become pretty thoroughly acquainted with the Indians on the reservation?—A. I have.

Q. Have you also become somewhat acquainted with their conditions as to diseases or comfort or poverty?—A. Yes, sir.

Q. Wait, now, until I get through with my question—and also as to their available supplies, for subsistence?—A. To a certain extent; yes, sir.

Q. Has it been necessary for you, during these periods, oftentimes, to seek shelter and food, etc., from them?—A. Yes, sir.

Q. Who has accompanied you during these times—during these cruising periods?—A. My son, Frank Carr.

Q. Now, beginning with the time when you began and closing with your latest series—when did you begin?—A. I began in January, 1909.

Q. And you closed, when? When was the last trip you made on the reservation?—A. It was a week ago—the fore part of the middle of last week.

Q. The middle of last week?—A. Yes, sir.

Q. Now, very recently, just describe in a general way what portion of the reservation you have traversed.—A. The southeastern part.

Q. That is, since the winter set in?—A. Yes, sir.

Q. I wish you to tell the committee as to the conditions of the Indians—for habitation, for food, for sanitary conditions, for disease or sickness. Just tell them what you found. You may go over the whole period of three years.—A. The Indians in the eastern portion, or the timber portion, of the reservation, are very poor, the

majority of them—that is, the old Indians, or what we would call Indians. Most of them are what you might call squatters; they don't own the land, but live in little shacks around the reservation, a great many of them, I think, at Round Lake or in that vicinity; there are 15 houses, with no one who owns any land.

Q. Point it out to us.

(Witness indicates on the map.)

A. There is a Government school at Round Lake; I think they have 21 scholars. The professor told me that these scholars had only one meal a day. They furnish them a dinner at the school, and many of them——

Mr. GEORGE. At the expense of the Government?

A. Yes, sir; and that was the only meal that many of them had.

Q. When you state one meal a day, do you mean that one or one meal at home and that one?—A. No, sir; that one. He also told me that the Indian women would come there at noon, after they had had dinner, and beg for the scraps that were left, to eat themselves.

Q. What condition are the houses in—what kind of houses are they?—A. They are most of them little, small, log houses.

Q. Have you any pictures of them describing them?—A. No; I have not.

Q. Nothing showing the size of the building, etc.?—A. Well, I was in a house this fall quite late—the snow came in. There were nine grown people and several children. The house I should judge was perhaps 12 by 14; maybe not quite as large.

Q. One story—a single story?—A. Yes, sir; that is all. Just a shack. There was one bed in the house; there were two old ladies—old women lying on the floor, on a mat made of rushes, a little thicker than paper. That was their bed and other places you find the same thing—old women and men who are not capable of taking care of themselves at all living in just such a way as that. Not one, but a great many.

Q. What method of heating these shacks?—A. The most of them have a box stove. Some of them have a cook stove.

Q. How are the shacks built? Just a single board inclosure?—A. No, sir, logs; log houses, all of them.

Q. Are they chinked with mud?—A. Yes, sir.

Q. Generally chinked with mud?

Mr. GEORGE. Do they keep out the draft? Are they tight?

A. Oh, yes; they can keep comfortably warm in there.

Q. Do any of them have board or brick houses?—A. This winter I have not seen anyone living in a wigwam. Last winter we saw them living in village wigwams.

Q. Go on. Go right on now and tell what you saw in different localities, just as if you were telling the story to somebody in your own language, and hurry up.—A. In the summer time they can live better than they can in the winter time. The women catch fish with nets in the lake, and in the winter they live on rabbits mostly—that is, all of them, nearly, have rabbits. In November, the last of November, I was in a mixed-blood's house. There were four women and four or five children, and they were dressing some muskrats that had been caught, I should judge from the looks of them, several days. They cooked them, and that is all the food they had for dinner; they had no flour and nothing but the muskrats.

Q. No flour, potatoes, butter, or milk?—A. They did have a few potatoes, but they didn't have any bread or butter. I know we gave them some lard; we were camped a little ways from there; we gave them some lard, but they had no butter. In fact, nothing but those rats and the potatoes.

Mr. GEORGE. Are these muskrats used for food—are they good to eat?

A. I think they are all right if they are caught and dressed when they are caught, but when they lay around in water two or three days and then they dress them, they don't look very good.

Q. Do you mean lay around two or three days with the blood still in their bodies?—A. Yes, sir.

Q. Go right along, now, and tell what conditions you found, as rapidly as you can.—A. A great many are sick. The doctor goes and visits them sometimes; but sometimes they don't call on the doctor. We stopped, my son and me, to get some coffee, one afternoon, or something to drink and, if we could get it, a little bread. We were in a pretty fair looking shack. It was a one-story log house, and they had a box that they were going to eat from, and they were sitting on boxes. There was a paper just at one end of the room—there was a newspaper sticking up there—and my son raised up the paper, and it was over the face of an Indian girl almost dead with consumption. I think she died a few days afterwards. Of course I didn't eat a great deal, nor he didn't. We paid them for the food and went away. They have no care at all. The girl was not having any care. There was a young fellow there by the name of Peter Paul, and if you could visit the house you would——

Q. Tell them what you saw there.—A. Well, there was a woman almost dead with consumption—I don't know whether she is living now or not—and an old woman lying on the floor sick, and no one there, not even the husband of the youngest woman, the one who died with consumption; and the old woman did manage to raise up and sit up; but she was lying on nothing but a mat made of rushes, and the other one in a bed, and it was the awfullest looking place you ever saw. It was so dirty; half a dozen dogs running in and out there. That was in the fall.

Q. What kind of a house was that?—A. A little log shack.

Mr. GRAHAM. What kind of floor was in it?

A. That was a board floor—just inch boards—a one-room building.

Q. What were the doors?—A. Just a board door.

Mr. GEORGE. How do they warm the place?

A. They had a cook stove there.

Mr. GRAHAM. What do they burn in it; coal or wood?

A. Oh; they burn wood.

Mr. GRAHAM. Was the house reasonably warm?

A. It was at that time. This was in the fall.

Mr. GRAHAM. In such weather as this, do you think they could keep the house warm?

A. Oh, yes; the houses are warm. They could keep them warm.

Mr. GRAHAM. What was the name of this party?

A. Peter Paul.

Mr. GRAHAM. How many live in that house?

A. Only these two women were there when we went there. I don't know how many.

Q. No one taking care of them, nor anything; the old woman was too infirm to take care of the younger one?—A. The oldest one was supposed to, I presume; but she was sick the day I was there.

Q. She just raised up on her elbow?—A. Yes, sir.

Q. And the younger one was dying?—A. The younger one was lying in bed and looked as though she would die at any time.

Mr. GRAHAM. Do you know what food they had in the house?

A. I don't know, I am sure.

Q. Can you talk with them?—A. Not enough to ask.

Q. Was there any evidence of any quantity of food?—A. Nothing in sight.

Mr. GEORGE. Were there any men folks connected with the family?

A. There was a man, but I don't know where he was. It was young Peter Paul.

Q. Go on, Mr. Carr.—A. Going from Pine Point, starting in at Round Lake, if you could visit every house between Round Lake and Pine Point going east—Pine Point is down on the corner of the reservation, down here [witness indicating].

Mr. GEORGE. Southeast corner?

A. Go there and go up around this country in the timber section north of that and you will find from 2 to 3 and 10 or 12 in each one of these little houses. They are mostly old people and the women folks gather the wood. I saw an old lady last fall—I was going up the trail, and she was just ahead of me and I overtook her—with wood; in fact she had been in the woods and cut a load of wood that it seems it would have been impossible for a man to carry. She had it strapped onto her back and carried it to the house. She was doubled over and must have been 80 years old; that is the way they get their wood; that is the way the majority of them get their wood.

Q. How was she clothed?—A. She had on moccasins and a dress; nothing on her head except the strap that came around her head.

Mr. GRAHAM. In this cold weather do you know if they have clothes to fit the weather?—A. I don't think they require as much clothing as white people.

Mr. GEORGE. They are not accustomed to having them, at any rate?

A. No, sir. You will see the little boys barefooted all times of winter in the snow.

Mr. GEORGE. Now, are these mixed bloods, as well as full bloods?

A. Yes, sir. Oh, there are two or three classes of mixed bloods. The class that live with the Indians, that live just the same as the Indians; and I don't think they are quite as capable of taking care of themselves as full bloods——

Mr. GEORGE. Why do you say that?

A. They don't seem to do anything but lie around. The Indians play the moccasin game a great deal—what is known as the moccasin game.

Mr. GEORGE. What is that?

A. It is a gambling game that they play with four moccasins—anyway, something representing moccasins. It is called the moccasin game and sometimes they play it with moccasins.

Mr. GEORGE. Are they given to playing this game?

A. Yes; they are. They play for whatever they have and everything they have, and then they take off their coats and vests, their suspenders and moccasins, and play for them.

Mr. GRAHAM. Is it a game of skill or chance?

A. I think it is a game of skill. I don't understand the game. I have watched it hours at a time, but I don't understand the game. I don't understand their method of betting. Oh, there is no one can tell you the condition that some of these Indians are in.

Mr. GEORGE. Well, do they gamble away what they have or sell what they have?

A. I think they will gamble away anything they have.

Mr. GEORGE. How did they become reduced to this condition of poverty?

A. Well, I don't know. I don't know; they don't work. The women folks raise a few potatoes—this last year more than they have since I have been on the reservation—but it froze early and froze a good many of them in the ground, and a great many of those that were dug are frozen now.

Mr. GEORGE. Is this a chronic condition with them?

A. I think so.

Q. Now, have you been speaking about the pine timber portion of this reservation?—A. This is the timber portion of the reservation.

Mr. GEORGE. That is the southeastern portion of the reservation?

A. The eastern portion; it lies nearly across north, across the reservation.

Mr. GEORGE. Does that condition exist all through there; is it away up north to the top of the reservation on the eastern side?

A. Yes, sir; yes, sir.

Q. Where is Elbow Lake? Point it out. I am going to have some testimony about it.

(Witness indicates on map.)

A. Here is Elbow Lake. There is a village here. Now, in that village I never visited but one or two houses—John Skkin-a-way lives there in the village. I am not acquainted, I don't visit the houses in the villages. It is merely through the timber portion of the country that we work.

Q. Have you been in the northeastern portion where the lakes are? Where is Pine Point?—A. In the southeastern corner.

Q. What is that town, Duane, up there?—A. Ebro. There is a big bend on the Wild Rice River through 146-39 and then back down through the reservation.

Q. Now, then, that is timber section through there?—A. Yes, sir; all timber nearly; there is some prairie here in this township, 141-37, north of Pine Point. This is the best timber township on the reservation, 142-37. This is all good timber all through this section here.

Q. I don't care so much about the timber. It is the Indians I want to know about this morning. Now up in the northeastern part, how is it up there?—A. Where you come in the timber country and find the Indians living as Indians, they are poor and in bad shape.

Q. How is it, contrasted with the prairie country on the other side?—A. I think the prairie people are in the best shape.

Q. What do you attribute it to there in the timber country? In not clearing up the land?—A. No, they don't; the most of the people who live on the prairie are mixed bloods and the better class of mixed bloods.

Q. Well, about these over there? What is the difference? Do you attribute it in any way to the pine timber being cut-off, or what do

you attribute it to?—A. Well, they don't own their lands, they own nothing.

Q. Did they once own the land?—A. They had allotments, but they sold the allotments and they have nothing now. They are living on land belonging to some other parties.

Mr. GEORGE. Squatters?

A. They are squatters.

Q. The idea I want to draw out if it is true, is, whether these people are people who sold their pine allotments.—A. All of them are people who have disposed of their lands in pine or prairie, or whatever it was.

Q. Well, is that particularly in the eastern portion?—A. No, sir.

Q. Well, I am talking now about———A. That is in the pine country, the pine district, where they are living.

Q. Now, they have had allotments in there?—A. Yes.

Q. You say they have disposed of them?—A. Yes.

Q. What about disease—their diseases?—A. The doctor told me there was 65 per cent of them diseased. I mean the doctor who makes trips around the reservation, visiting from house to house; he told me there was 65 per cent of them diseased.

Mr. BEAULIEU. Does that include all the mixed bloods?

A. We met him at Round Lake—that was Dr. Abbott, the Government doctor. I asked him how they were and he said there was 65 per cent of them diseased.

Mr. GEORGE. What did he mean by 65 per cent; 65 per cent within his jurisdiction, or on the reservation, or what did he mean?

A. Well, on the whole reservation, that 65 per cent were diseased.

Mr. GEORGE. Does that mean full bloods and mixed bloods, too?

A. That is what he said. The Indians on the reservation, I presume that meant. "Well," I says, "they are improving." I said there were about 90 per cent of them as I understood it; and he says now there is about 65 per cent that are diseased.

Mr. GEORGE. You made the remark that they were improving?

A. He did; he said they must be improving; he said there was 65 per cent that was diseased, last fall.

Mr. GEORGE. Did he say that they were improving?

A. He didn't say so.

Mr. GEORGE. You made that remark?

A. Yes, sir.

Mr. GRAHAM. What diseases are they suffering from?

A. A great many of them are suffering from consumption and a great many from sores on their necks, bunches.

Mr. GRAHAM. Running sores?

A. Some of them.

Mr. GRAHAM. Do you know what the cause of this is?

A. No, sir.

Mr. GRAHAM. Did you hear the doctor say anything about them?

A. I don't think I did. There is another disease, an eye disease.

Mr. GRAHAM. Trachoma?

A. Yes, sir.

Mr. GRAHAM. How many have it, do you know?

A. No; I don't know; but a great many.

Mr. GRAHAM. Well, when that comes into a family, does it go through the family?

A. I think so.

Mr. GRAHAM. Have you seen cases of it?

A. Oh, yes, where the whole family has had it.

Mr. GRAHAM. What is the effect on the eyes?

A. The lids will get red and finally I have seen them blind, and others nearly blind from that disease.

Mr. GRAHAM. How long does it take from the time they get the disease until they lose their sight?

A. I don't know, I am sure.

Mr. GRAHAM. Are there any other diseases than those you mention, there?

A. No, sir.

Mr. GRAHAM. Are there more of them affected by consumption or by trachoma?

A. I think there are more consumptives. There seem to be, but I am not sure.

Examined by Mr. BURCH:

Q. Did you ever pass along this territory East from the Soo line?—A. Yes, sir.

Q. To the east of the Soo line, adjacent to Mahnomen, Waubun, and all those towns?—A. Yes, sir.

Q. What condition did you find there?—A. There is a road runs in here to Beaulieu from White Earth. It runs almost north. The Indians who live along the edge of the brush there, live in little, small houses.

Q. What condition are they in?—A. They are in bad condition, all those.

Q. Do they get out to Waubun and Ogema and Mahnomen?—A. I presume they do.

Mr. GRAHAM. How many Government doctors are there on the reservation?

A. Five. One at Pine Point, one at Beaulieu, and three at White Earth. Those are the only ones I know of.

Mr. GRAHAM. Is that a fair distribution as to territory?

A. The Pine Point doctor has a great deal more than one doctor that travels over the reservation.

Mr. GRAHAM. How are those doctors paid for their services?

A. I think they are paid from twelve to fifteen hundred dollars a year.

Mr. GRAHAM. The money expended for the doctor or any other purpose is really not Government money; it is tribal funds, is it not?

A. I presume it is; yes, sir.

Mr. GRAHAM. Well, have you any theory yourself as to how some of this suffering might be obviated; what would you recommend?

A. I should recommend that they buy a small tract of land for each family—4 or 5 acres would be all they would need—and if those who are able to work are put on there and let them work it; but the older people, they should be put in a hospital or some building where they could be taken care of.

Mr. GRAHAM. What money would you buy it with?

A. I don't know.

Mr. GRAHAM. Government or tribal money?

A. Tribal money.

Mr. GRAHAM. Would it be best to take the money of the industrious members of the tribe and buy homes for those who are not industrious? How about that?

A. Where the industrious members of the tribe are mixed bloods, they are able to take care of themselves. But there are a great many old people who should be taken care of in some way. It is too bad to leave them there to suffer the way they are.

Mr. GEORGE. How do you account for the number of old people on this southeastern portion? How do you account for the presence of those and the absence of the young?

A. I think the young ones go out to work somewhere, perhaps. There are a great many logging camps on the reservation, and they could get work there if they would. Mr. Sproftka has a logging camp on Strawberry Lake. He has something like 35 working there.

Mr. GRAHAM. How are the young people with reference to helping the old ones?

A. I think when they have anything they are very good.

Mr. GRAHAM. When the case is as you state, when the young people go out to earn money, do they divide with the old folks?

A. I don't think so.

Mr. GEORGE. Do they abandon them?

A. I think they spend the most of their money in drinking and gambling.

Mr. GRAHAM. What steps, if any, have been taken by the agency people there to prevent or stop gambling?

A. They have tried to stop the moccasin game in the town of Elbow Lake; but they will go out or down to some one that lives away from the town and play the moccasin game three or four or five days at a time.

Mr. GEORGE. It is sort of an Indian craps game, isn't it?

A. It is something like that, or more of a shell game; more like hiding the marble.

Mr. GEORGE. Then it is a game of chance and not of skill, unless it is in the operation?

A. There is a great deal of skill about it.

Mr. GEORGE. I want to ask you how much of a salary does the doctor get?

A. I think they get about $100 a month each.

Q. Are they Indian doctors?—A. Oh, no; they are white people. They doctor the Indians and nothing else.

Mr. GEORGE. Regular graduated doctors?

A. Yes, sir.

Mr. GEORGE. $100 a month?

A. I think that is about it. I know some of them get $100 a month. Perhaps Dr. Richards, at White Earth, gets a little more, but I am not sure.

Mr. GEORGE. Do they get any perquisites of any sort—a home to live in, or anything besides the $100?

A. Oh, yes; they have a house to live in.

Mr. GEORGE. Do they get anything else?

A. I don't think so. I think they are furnished their medicines, and that is all.

Mr. BURCH. I think you will find all the people of the reservation are obliged to subsist themselves, even the squatters.

Mr. GEORGE. We can probably get that information with clearness from the agent. It is more or less guesswork with you, isn't it, as to matters of that sort? You don't have that exactly?

A. Oh, yes; just what I have talked with the doctors. I have no way of knowing.

Examined by Mr. BEAULIEU:

Q. Mr. Carr, how many Indians are on the White Earth Reservation?—A. They told me there were 5,650.

Q. How many of these are in destitute circumstances?—A. Oh, I should say there were perhaps three or four hundred, may be more.

Q. Are there any young men among these three or four hundred?—A. Not what you would call men. There are boys 15 or 16.

Q. I mean men, able to work.—A. No; I don't remember any of them, young men of that age around there.

Q. That are able to work?—A. No; some of them are sick at home. Jim Jugg has a boy about 16 years old.

Q. Have they not a home to take care of the aged people on the reservation?—A. Yes, sir.

Q. How many occupy that home?—A. I don't know. I spoke to the agent about sending for some of those old people, and he said the home was full. That they couldn't take them in.

Q. Is there a hospital on the reservation?—A. I have not been at the hospital. There is one there.

Q. Are there any patients in the hospital?—A. I can't tell you. I saw Mr. Beaulieu—the one-legged Beaulieu—he was telling me of an operation he had on his eye at the hospital, but I didn't ask him how many were there.

Q. Couldn't these sick people you speak of be taken care of at the hospital?—A. I think there are too many to take care of at the hospital. I think there should be a big building built to take care of them.

Q. But couldn't a reasonable number of them be taken care of at the hospital?—A. I think there should be, and if they have a hospital there that is not full they should certainly take in some of those old people.

Mr. GEORGE. The fact is that they don't go to the hospital; that is, that there are a lot of the sick people who don't get attention at the hospital.

A. Yes; there are a whole lot of them.

Q. Whose fault is it that the Indians are not properly taken care of?—A. I couldn't tell you.

Q. Is it not the fault of the Government and those on the reservation?—A. I don't know.

Q. There are a great many sick people in the different parts of the reservation?—A. Yes.

Q. Couldn't the agent have them brought to the hospital?—A. I think that he could.

Q. Do you know why he does not do it?—A. I don't know. I don't know anything about the hospital. I don't know whether they have room; I don't know anything about it. I never was in it.

Q. Isn't there some provision made for old people?—A. I don't know, I am sure.

Q. Doesn't the Government issue rations to old people?—A. I understood that they issued rations to the old people and to the Mille Lac Band, a part of them at least.

Q. Do you know whether the agent has issued rations to able-bodied men?—A. I don't know whom he does issue rations to, I am sure. I have seen them come there and give rations, but I never paid any attention and don't know what they got. I don't know anything about it.

Q. Don't these old people receive rations, if you know?—A. I don't know.

Mr. BURCH. I hate to interrupt, but it seems very trying when time is so valuable to us that a witness who knows nothing and says that he knows nothing about a certain subject should be cross-examined persistently on that subject. I want to be as patient as I can, but I have four more witnesses on this topic that I should like to put on the stand to a conclusion.

Mr. GRAHAM. We have all asked so many questions of this witness that were not very pertinent, I don't feel, Judge, like drawing the line on Mr. Beaulieu after the others had their time.

Mr. BURCH. Well, all right; I may be wrong about it.

Q. Mr. Carr, who are the Indians who don't own their homes or the lands upon which they are living at White Earth?—A. I couldn't begin to tell you.

Q. You said a great many; could you name one?—A. Yes. Jack Skindy, George Lanning, and Pete Skindy, Billy Paul or Peter Paul, the Pecks and Bellangers, three or four families of Bellangers don't own their homes, and only a few own the land they are living on.

Q. Are you sure that they don't own the lands upon which they live?—A. That is what they have told me.

Q. They simply told you. You don't know?—A. They don't own—we have the descriptions of lands in those townships, and the men that own the lands, or their names, the land that we are to look over.

Q. Peter Paul died lately?—A. Yes.

Q. Do you know that Peter Skindy has a tract of land on the shore of Round Lake?—A. Peter Skindy?

Q. Yes.—A. How long has he lived there; do you know?

Q. I am asking you if he hasn't a tract of land there at Round Lake?—A. He built a shack there this fall.

Q. He owns that land, does he not?—A. I don't think so. I think that has been sold. I think that we have the description of that, but I am not sure.

Q. Don't you know that he mortgaged that tract of land to a man named Coberg?—A. No; I don't know. We didn't have the names of anyone owning the land. We just merely have them marked off, what we are to look after. If it was not sold, we would have it on our list, but we don't know who owned it.

Q. Don't you know that the records show that Mr. Edgerton has been Skindy's attorney to recover that tract of land?—A. No, sir.

Q. To what do you attribute the poverty of the Indians you mention?—A. I think disposing of everything they have, the lands and pine, and squandering the money, and now they have nothing.

Q. What use, if any, did they make of any of the lands before they disposed of them?—A. Not a thing, except now and then a little patch as large as this room for garden.

Q. What difference does that make, if they never made any use of their lands?—A. Nothing, except that they are now living on other people's land, and I presume they have been in the same condition for a number of years, some of the old people.

Q. That would't have caused their present poverty?—A. No; I don't know as it would.

Q. You have lived in this State a great many years, haven't you?—A. Yes, sir.

Q. And been around among the Indians?—A. Yes, sir.

Q. Have you seen Indians on the other reservations in Minnesota?—A. Lots of them.

Q. Are they any better off than the White Earth Indians?—A. No; I don't know as they are any better off, but they are certainly not any worse off.

Q. Are they as well off?—A. Well, Mr. Beaulieu, the people that live as what we call Indians are in a deplorable condition.

Q. Well, you call the 6,000 people on the reservation, Indians, do you not?—A. Yes, sir.

Q. Well now, are not the White Earth Indians much better off than any other Indians in Minnesota?—A. I don't know what you would call the Indians.

Q. I mean those on the rolls.—A. Yes, there is quite a large portion of them I wouldn't call Indians. Now there are the Beaulieus, the Fairbanks, the Bellefoures, and those people. I would not call those Indians.

Q. Why not? Are they not on the rolls?—A. Because, you take them off the reservation and you wouldn't know there was any Indian blood in them.

Mr. GRAHAM. Don't stray too far from the questions, please.

Q. I am asking about those who are on the rolls, whom you know are classed as Indians.—A. There are a whole lot of them in pretty good shape.

Q. They are in better shape now than ever?—A. I think those mixed bloods are. That is, the better class of them.

Q. Are not the full bloods who want to work and will work, in better shape than they were formerly?—A. Yes, but there are very many not able to work.

Q. I mean those who are.

Mr. GRAHAM. Answer the question straight out, and we will get along faster.

A. Those that are able to work, the young men, can get work, a great many of them, at some of the lumber camps.

Q. That is, the lumber camps give them the preference?—A. No, sir; excepting Mr. Sproftka.

Q. Doesn't the Nichols-Chisolm Lumber Co. employ all the Indians that apply for employment?—A. I think they do employ very few of them, not a great many, Mr. Buealieu, except in the spring on the drive.

Q. Can you tell me how many are employed to-day in the Nichols-Chisolm lumber camp?—A. I don't suppose there are 30 Indians in their 5 camps.

Q. Not 30?—A. No, sir.

Q. Are you sure of that?—A. No, sir; I am not sure. We were at the camp where were 200 men, and there were 3 Indians there, this fall.

Q. Don't the women of the Otter Tail Indians, these poor Indians you speak of, find all the work they want at the lumber camps, doing washing and mending the clothes of the lumbermen, etc.?—A. Yes sir; you do find them around every camp.

Q. You find a great many Indians among the camps?—A. You find shacks and families living in them. They do the washing, and I presume the men work around the camps.

Q. How many men worked during the past year for the Nichols-Chisolm Lumber Co.?—A. I couldn't tell you; I have no way of knowing.

Q. Don't you think there were more than 100?—A. I don't know; in the winter time?

Q. Well, take the year all through.—A. On the drive in the spring a good many young fellows worked on the drive that done work in the woods in the winter.

Q. Don't they work in the summer?—A. They work until they get below Billy Paul's, somewhere around Round Lake.

Q. Don't they work all summer?—A. They could; yes, sir.

Q. You spoke about these men, they are healthy enough to work, are they not, around Pine Point?—A. Yes, sir; a good many are.

Q. Any reason why they don't work?—A. Not that I know of.

Q. They could find the work if they wanted it?—A. I think they could, a great many of them.

Q. The half-breeds and mixed bloods work, don't they?—A. Some of them, and some don't.

Q. Those that want to work find work?—A. Yes; I think more could get work than are working.

Q. Among the farmers or other people around in those towns?—A. I think so.

Q. Are the mixed bloods that you mention as being like full bloods capable of working?—A. Some of them, and some not. Some of the older people are not; they couldn't work.

Q. Well, you state a good many of them were poor. Are there not poor who are capable of working?—A. Well, they are all poor; that is, I call them poor, a man who has nothing in the world.

Q. Well, are they capable of working?—A. Some of them are and some of them are not.

Q. But they are not working?—A. Yes; some of them are capable of working that are not working.

Q. Do you know—you have examined all these townships on the reservation?—A. I have been on every township.

Q. Have you examined especially the northeastern townships of the reservation?—A. Yes, sir.

Q. Have you ever found any indications of iron there?—A. No, sir.

Q. You have never seen any indications of iron?—A. No.

Q. Have you heard of any?—A. I have heard of that, but I don't believe there is any iron on the reservation.

Mr. BURCH. Do you expect to feed the old people iron?

Mr. BEAULIEU. No. You brought that out in your own examination at Washington.

Mr. GRAHAM. What the judge has in mind, I think, Mr. Beaulieu, is that your cross-examination should be confined to the lines of the direct examination.

Mr. BEAULIEU. Well, they have not confined themselves too strictly to the rules of evidence, and I want to have the same liberty they have.

Mr. GRAHAM. That is true, providing you don't abuse it. Of course if you do, we will meet the case; but you will make progress.

Mr. BEAULIEU. I will go as far as I can and as fast as I can.

Q. Would it not be a good thing, instead of buying 5-acre tracts for the Indians, to put them on a town site, those who could not and do not work?—A. That might be all right.

Q. Isn't that the plan adopted by the Government to some extent on the White Earth Reservation, putting them on town sites?—A. Well, the Indians like to be in bunches, and I think they will have to do something of that kind with them to take care of them, or feed them in some way.

Mr. BURCH. He wants to know if you know what has been done. It is not the theory; he wants to know if that has not been done on the town sites.

Mr. BEAULIEU. Hasn't that been done upon all the reservations in Minnesota, setting aside a tract of land for town sites?

Mr. GRAHAM. Do you understand the question? Repeat the question.

Mr. BEAULIEU. Hasn't the Government set aside town sites for the use of the Indians around the different reservations in Minnesota?

A. Yes, sir.

Q. Is that a better plan than to buy a 5-acre tract of land, which they wouldn't use?—A. No, sir; I don't think so.

Q. Why?—A. Well, if you put the Indian onto some nice lake and give each one 5 acres of land to cultivate and let them raise potatoes and corn and such stuff, I think it would be a good thing.

Q. Do you mean it would be a good thing to keep them in idleness and let the Government continue to support them the way it has?—A. I don't know how they could be much more idle than they are at present.

Q. Don't you think it would be a good thing for the Government to take such steps as to compel the Indians that are able to work to do so?—A. I think it would be a good thing for the young people, but not for the older ones.

Q. Throw them upon their own resources as much as possible?—A. The young people; yes, I think so.

Q. Don't you know a great many people on the White Earth Reservation who were idle prior to the passage of the Clapp Act who are not now working?—A. Yes, I know that.

THOMAS HARPER, sworn as a witness, testified:

Examined by Mr. GRAHAM:

Q. Give your full name to the reporter.—A. Thomas E. Harper.

Q. Where do you live, Mr. Harper?—A. At present my headquarters are in Detroit, Minn.

Q. How long have you lived there?—A. Two years last November.

Q. What has your business been there?—A. Special agent for the [illegible]ment of Justice.

Q. Before you went to Detroit, where were you acting?—A. Colorado, Utah, and Nevada.

Q. Has the time since you have been in Detroit been your only experience on the White Earth Reservation?—A. Yes, sir.

Q. How long have you been in the service?—A. Special agent since 1907.

Q. How much of that time have you been in the Indian work?—A. Only since I came to White Earth.

Examined by Mr. BURCH:

Q. Mr. Harper, in the course of your duties in serving papers, looking up witnesses, examining descriptions of land, and all other matters you have been directed to do, have you gone pretty well over the White Earth diminished reservation?—A. Yes, sir, I have.

Q. As it is shown on that map?—A. Yes, sir.

Q. Have you gone under such circumstances that you have been obliged to stay out of hotels or villages, to some extent?—A. Yes, sir.

Q. What has been your custom; to camp, or to try to find lodgment with the people?—A. I have camped some of the time, but a greater part of my time I have hunted lodgings among the Indians on the reservation.

Q. In that way do you consider that you have become very well acquainted with their condition as to homes, supplies—supplies for subsistence—and as to their diseases?—A. Well, fairly so; yes.

Q. And also on the Mille Lac Reservation?—A. Yes, sir.

Q. Where the Mille Lacs live?—A. Yes, sir.

Q. I wish you would proceed to tell this committee in brief, clear language, as well as you can, the conditions during the time you have been there, of these Indians, as to the matter of their homes, places of abode, their subsistence, meaning food and clothing, and their condition of health, meaning disease or the opposite. Just get through with it as rapidly as possible, Mr. Harper, and yet do the matter justice.—A. I may say the conditions are very bad. The homes could scarcely be called homes—what we would call the Indians'. Now, in speaking of Indians to-day, I don't mean those French people or mixed bloods that live along the railroad line or farming land; I mean the ones who live around lumber camps, have small garden tracts, and live by fishing and snaring rabbits. And I believe it would be better if I were to mention the names, as far as I possibly can, and in other instances the location or places as I found them.

Q. Go right ahead and do so.—A. Starting in at Pine Point on the southeast side of the reservation, the homes of the Indians around that country are almost horrible. There is an old Indian, the head medicine chief, called Bah-bah-ne-zhay, an old man, blind, somewhere near 80 years old; he lives there in a little log cabin on the side of the road, and he has nothing coming in except what the people bring in and what rations he can get at the Pine Point School. The head chief of the Otter Tail Pillager Band is known as Go-bah-e-quaince; that is an old blind man, or almost blind; he can get around with the assistance of a cane. He lives in a little, low, thin-board shack, out on the edge of the blackjack timber. When I was there in the winter time he had a small cookstove, and a little old box stove shackled together with lard buckets and sections of stovepipe,

trying to keep his shack warm. About a quarter of a mile from there he has a brother living in a house worse than the other, almost totally blind, and his wife is blind. The Indians visit them occasionally, especially when rations have been issued, and take care of them for a few days, as long as the rations last. They have nothing in the house, and a white person would scarcely call it a home. From there, I would speak of a home, or a habitation, rather, for two people on Many-point Lake, some farther west on the reservation. There is an old blind woman who lives there, I can't remember her name, but she is the mother of Mrs. William McDonald; she was living in a little shack without anything except a stove. Her bed consisted of a mat made of rushes and two old patchwork quilts on the bare floor of the shack. She had nothing except what the people brought to her. At Elbow Lake I called to get a statement from an old lady in a shack. I found they lived in a house 12 by 14; there were seven living in the house.

Mr. GRAHAM. What were their relations to each other?

Mr. HARPER. I have no idea, not the least idea. It is almost impossible to trace relationship. There were seven in that house. The furniture consisted of a small box stove and a box, I believe it was a "Scotch Oats" box set up in the corner for a cupboard, but I did not see anything in the cupboard. There is a place at Elbow Lake where there are two or three people that are making a pretty fair living. Tom Skinaway, Wah-wah-ye-cumig, another policeman, but the other Indians appear to have very little, if anything, in the houses. In the woods near these lumber camps there are people living out in tepees and wigwams that live from the leavings of the table of the lumber camps. The women do such work as they can get among the lumberjacks. From there—I speak of another place at what we call Gull Lake—there is the house of John Wadena. He is an old blind Indian of the Gull Lake Band. He lives in a log house. He called me in to look at it. It was cold weather then and I could see daylight through the roof. The shingles were old and blown off, torn up.

Mr. GRAHAM. Were any of these houses plastered?

A. None. He had a cookstove and a box stove, one sitting against the other, trying to keep the house warm. On the road between Beaulieu and White Earth there is another Indian family that I called on. I found a man, his wife, and I think it was three children, living in a house. They had a box stove to do their cooking on. Their bedding was lying on the floor, consisting of a few quilts. There was a child lying there. It was crippled in some way, some incurable disease the doctor told me, and it was lying rolled up in a blanket beside the stove. The man and his wife both had tuberculosis. There was one boy had been sent to the White Earth school and had returned home on account of sickness; it was tuberculosis, which they considered as incurable, and they did not want it among the other children at the schools. In White Earth I would speak of one house there, or one home, that of Odenegan. Odenegan is an old Indian, somewhere near—well, along about 70 years of age. His wife is blind; he has a little new lumber house; there is a bed in the house, a table, a few pine boxes, and a box stove to cook on. Now, most of these people live on fish and rabbits. In the summer they get fish and in the winter they snare rabbits. I have been in houses

where they did not have anything to eat except rabbits or fish; and, in fact, I have been in houses between Elbow Lake and Twin Lake where all they had was fish boiled in water to subsist on. It is sometimes a case of no rabbit, no breakfast with them.

Mr. GRAHAM. For how long a stretch at a time are they living that way?

Mr. HARPER. Usually from one ration day to the next.

Mr. GEORGE. How far are they apart?

Mr. HARPER. I think it is 30 days, they get rations. When a family gets rations in that country—all families do not get rations—but when a family gets rations, all the others who have nothing to eat flock in there and eat it all up; then they leave that house, and scatter out like a flock of quail, and go to the next house and sit down and eat up all they have there before they leave.

Q. Are you familiar also with the homes at Mille Lac?—A. I have not been in so many homes at Mille Lacs. In fact, I don't know whether you could call them homes, or not. I was called to Mille Lac Reservation, I believe, twice last summer and once this fall. I found 17 families—I don't know that I could call them families; there were 17 people on the shores of the Mille Lac that were living in tepees and wigwams; they had no other homes.

Q. Seventeen families or 17 groups?—A. No; 17 tepees or wigwams. Maybe there were three or four families in one wigwam; it would be hard for me to say how many families. The reservation belonging to these people had been sold; they claim they don't know how it was sold. Some of them had cultivated small portions of the land and had homes and had been driven away from their homes, and they are now living on the shores of the Mille Lac on some one else's land. The chief, Wadena, told me his story, and it was that he had had a home, where he had a log house and a frame house and some furniture. He had a garden patch, and he had cultivated it for 14 years. Last spring he was ordered off by some one who had bought that patch and was going to sell it out in town lots. He refused to leave, and the sheriff and 10 deputies came out and they started to move his furniture out of his house, and he resisted, and they put handcuffs on him and stood him between two deputies and moved his furniture outdoors, pulled down his frame house, pulled up the lumber of his floor in his log house, and told him to go. He wanted to know where. They told him they did not know, that he would have to go somewhere, that he would have to vacate that land. He went down on the south end of the lake and built himself a wigwam of bark. These wigwams, some of them, are made of birch bark wrapped around poles. In fact I have some pictures here, taken of some of those wigwams [handing pictures to committee]. I brought these when I came last fall. These are the houses the people are living in this winter—the castles of the millionaire Chippewas that we hear of.

Q. Now, about their food? You have gone around in the homes. Just tell us what you can, or tell the committee what you can of the food that you found there, when you tried to get subsistence, or meals, or whatever you got.—A. The most food, the greatest amount of supplies I ever saw was in one of those houses there, about two-thirds of a sack of flour, and I learned that the women had gotten that three days before, at the Pine Point school. After the annuity payments, and sometimes when the young people come from the lumber woods

or farms wherever they may be, and have any money left after buying whisky and playing the "moccasin" game awhile, they buy some food and bring it home; and then they get up a big dance and dance and eat until they have eaten it all up. Then they have to resort to rabbits and fish. That seems to be about the only food they have a greater part of the time.

Q. What about their health, diseases?—A. I found a great many Indians with sore eyes, the doctor calls it trachoma; a great many of them have consumption or tuberculosis. There are babies sitting on the floor that are losing the sight of their eyes from this trachoma. I was with Dr. Radwell at Twin Lakes last fall; he was making his canvass of the reservation while I was doing my work. We visited one home of an Indian, who lived in a tepee; the doctor inquired where his home was, and he said, "This is all the home I have." We asked him where was his land and his pine, and he said the land had been sold and he had nothing. This tepee didn't belong on his land, he didn't know whose land it was. Those people were eating a mess of rabbits and gravy boiled up together, with flour stirred in and boiled in the water with the rabbits. There is sickness all over the reservation. The doctor told me last Friday, when I was at Cass Lake, that 60 per cent of the Indians on the White Earth Reservation had trachoma; there was some of them incurable, while others were considered curable. I have forgotten what percentage he claimed had tuberculosis—that some of those might possibly be benefited, while others were too far gone, and there was no way to take care of any of them. I do not know of myself, but he told me that the hospital at White Earth would not hold more than, I think he said, seven or eight people; but it is useless for me to go into that, because Dr. Radwell and Dr. Abbott have each passed over that reservation, and made a report and took it before the commissioner, and possibly before the Indian Department at Washington.

Q. Are there any floors to these wigwams or tepees?—A. None.

Q. Just the ground?—A. Just the ground.

Q. Do they sleep on the ground, or have they some kind of mats?—A. They make a mat out of rushes, and they put an old, soured blanket on top of that, or a quilt made of patched up old overalls and coats or whatever they can get hold of.

Mr. GRAHAM. Now, Judge, your examination of the witness has continued 18 minutes. Mr. Beaulieu, do you wish to examine?

Mr. BEAULIEU. I will make it shorter.

Examined by Mr. BEAULIEU:

Q. Mr. Harper, where did you live before you came to White Earth?—A. Colorado; Durango, Colo.

Q. What was your business before you entered the Government service?—A. Rancher.

Q. You worked on a ranch?—A. I owned my own ranch, and worked on it; yes.

Q. Did you not call only on those who are pure or full bloods at White Earth, and are not some of those whom you referred to as full bloods, mixed bloods?—A. I referred to the Indian.

Q. But you don't mean to say that the condition you describe is the condition of a majority of them?—A. I claim that a majority of them are in that condition.

Q. At White Earth; not in the town of White Earth?—A. In the White Earth Reservation.

Q. All over the reservation?—A. Yes, sir.

Q. Do you know how many Indians are on the White Earth Reservation?—A. I do not.

Q. How do you know, then, that that is a majority of them?—A. I have been amongst them, but I never counted them. My work has been among the so-called full-blood Indians.

Q. Do you know how much tribal money the Government has used, and would not the amount expended by the Government be sufficient to take care of the Indians who are in need, if properly expended?—A. I don't know. But I heard that Gus Beaulieu got $2,500 of the Indian money for going to Washington.

Mr. GRAHAM. That is hardly a relevant answer.

A. That is all I know of the tribal money.

Mr. GRAHAM. Well, what Mr. Beaulieu got might be left out.

Q. I am asking you if you know how much money is being expended?—A. I don't know.

Q. Don't you know that $150,000 is being expended for the White Earth Indians?—A. I don't know; it never came under my notice.

Q. Don't you know that about $75,000 of that amount is being used for salaries?—A. I do not.

Q. And don't you think that if some of that were used to relieve the sufferings of these Indians, it would go a long ways toward doing so? A. I know nothing about it.

Q. Do you know whether there is a Government farmer at Pine Point, or not?—A. Yes; there was one when I was there.

Q. Do you know what his salary is?—A. I do not.

Q. Do you know whether there is a field matron at Pine Point?—A. There was one when I was there last.

Q. Well, she is there yet, isn't she?—A. I don't know.

Q. Do either the farmer or the matron do any work? Did you ever see them do any work while you were there?—A. I have known the farmer to put in crops for Indians. Last spring he visited Elbow Lake and all through that country——

Q. Which Indians?—A. I could not tell you their names.

Q. How much land is in cultivation at Elbow Lake?—A. I could not tell you; they have a little village garden there, or potato patch.

Q. Not exceeding 2 acres, does it?—A. I think there are probably 5 or 6 acres.

Q. How much land does he look after at Pine Point, where he is located?—A. I don't know.

Q. You say the Indians have no land of their own there?—A. The Indians have sold all their land, as I understand.

Q. Then the Government farmer would have nothing to do at that place?—A. There is some school land at Pine Point.

Q. How much school land in cultivation?—A. I don't know.

Q. What does the field matron do at Pine Point?—A. I don't have any idea.

Q. Does she ever visit these poor people you have spoken of?—A. I have heard of it.

Q. Does she ever go into any of the houses of these poor people?—A. I have heard say so; I don't know myself.

Q. Did she ever report these matters, if you know, to the agent that you are speaking of now?—A. I don't know.

Q. How long has she been in Pine Point?—A. I saw her last February for the first time, February or March.

Q. From February until this time could not something have been done by the Government with the $500,000 it appropriates to alleviate the sufferings that you speak of?—A. I don't know what they could do.

Q. Could they not have done something with it?—A. I don't know.

Q. Is there not ample provision made for the care of Indian children on the White Earth Reservation? You don't know that, I suppose?—A. I believe they have schools that would take care of the most of them.

Q. They have ample provision for clothing them and feeding them, and having hospitals for them, have they not?—A. I understand the hospital space is very limited.

Q. Well, they have hospitals?—A. Oh, yes.

Q. They have a sick room at the schoolhouse, don't they?—A. Yes.

Q. They have a sick room at the Catholic school, which is the best school in the Indian country, is it not?—A. I don't know.

Q. Have not the Mille Lac Indians you mention two tracts of land at Mille Lac, upon which they could live?—A. They told me that they didn't have any homes, except where they were living.

Q. Haven't they got two tracts of land?—A. I don't know where.

Q. Could not the Mille Lac Indians remove to White Earth, and receive rations there until they become self-supporting?—A. I don't know.

Q. Whose fault is it that the Mille Lacs are in poverty at Mille Lac?—A. May I answer that straight?

Mr. GRAHAM. If you can.

A. Well, they told me that it was because Paul Beaulieu had deceived them in making a treaty; that they did not know what they were doing.

Q. Is it not a fact that the Mille Lac Indians, under their agreement of 1902, were to be taken care of by the Government?—A. I don't know.

Q. Was it not a fact that they were allowed to go on any reservation in the State of Minnesota under that agreement?—A. I don't know.

Q. Was it not a fact that over 600 of them asked to be sent to other reservations instead of White Earth?—A. I don't know.

Q. Is it not a fact that the Government, notwithstanding their requests to be sent to the other reservations, has refused to do so?—A. I don't know.

Q. Who is Amazon Clark?—A. He is an Indian that is living about a quarter of a mile west of the mission at Twin Lake.

Q. Is he not the son of a white man?—A. I don't know.

Q. Is he not an able-bodied man?—A. Well, he was rather an old man, but I think he was able-bodied; that is, able to do some work; I think he was; I know nothing of his condition.

Q. He is a man about my age, is he not?—A. I should say so; yes.

Q. And isn't he as healthy and as capable of working as I am?—A. Hardly.

Q. What is the reason he is not; is he sick, or anything, do you know?—A. I do not know, but he does not look as husky and strong as you do.

Q. If he went to work and got regular meals, I suppose he would be as husky as I am, and maybe more able to work?—A. I don't know.

Q. Is he not a man who has had a great deal of experience in the woods, working? Is he not called a competent man in the woods?—A. I don't know.

Q. Has he not some minor children who have allotments?—A. I don't know but one of his family.

Q. But you don't know whether he has minor children who have allotments?—A. No.

Q. That is all.

Mr. GRAHAM. Just one question. You mentioned a great many old people who were blind. Was their blindness the result of disease, or age, or other causes?

WITNESS. Disease, I believe.

Mr. GRAHAM. This trachoma?

WITNESS. Yes, sir.

Mr. GRAHAM. Mr. Beaulieu, you were very brief this time; you got through in 10 minutes, beating the judge by 8 minutes.

MARGARET WARREN, sworn as a witness, testified.

Examined by Mr. BURCH:

Q. Miss Warren, you are in the Government service?—A. Yes, sir.

Q. At Detroit?—A. At Detroit now.

Q. Formerly at White Earth Agency?—A. Yes, sir.

Q. How many years have you been in the Government service?—A. I don't know, altogether, but I was employed as assistant clerk at the White Earth Agency for about a year and a half since Maj. Howard has been there.

Q. You have been there approximately two years?—A. At Detroit.

Q. Three and one-half years, that would make?—A. Yes, sir.

Q. Well, now, have you been over the reservation any lately?—A. I have.

Q. Whereabouts, and in what direction?—A. I went to Pauncefort after the holidays, that is at Pine Point I think they call it now. Where the school is.

Q. During that trip did you have occasion to stop at night in any places?—A. Yes, sir; in three places.

Q. Will you tell where they were, what the names, and what the conditions were?—A. Not far from the school grounds we entered a log cabin, and in that cabin there must have been about twenty people, including little children, and they were filthy and full of sores—that is, the children were. I noticed there were two beds, and a broken-down little cook stove in there; otherwise the room was quite poor; and I saw that on one side of the stove was a place where the rest probably slept on the floor; there was indication of bedding, clothing; and I saw the house was very filthy; just one room.

Q. Did you understand that all this number lived in that house?—A. I asked about the children. A young woman said that they were her children. She looked very thin and poor and not strong. Then

I went to another place; I found a blind man sitting at the side of his wife; she was in bed, sick in bed; she did not talk to us; and then I went to another place, a shack, a tar-paper shack, and that was comfortably warm, and I was surprised, from the appearance outside, to find that it was quite warm in there. Still they did not have anything in the way of furniture, and the husband was out cutting wood; that was his means of living; that is, temporarily. I don't suppose he can find such work always.

Q. Did you learn whether they had any supplies?—A. Why, at the first place I visited I didn't see any indications.

Q. How about the second one?—A. The second one, none at all.

Q. And the third one, where it was warm?—A. The husband was at work, cutting wood, and was probably being paid by the day for his labor.

Q. They had an appearance of having something to eat?—A. Yes.

Q. You did not eat at any of these places?—A. No; I did not. I was at the school.

Q. Have you been in any other habitations?—A. Well, I was at Mille Lacs last fall. In fact, I made two visits there.

Q. At the same time Mr. Harper was there?—A. Yes.

Q. Will you describe the Mille Lacs' conditions to the committee?—A. The Indians there live in tepees or wigwams made out of bark, and they said that they were their only houses, the only place they had to live in. They did not live on their own land. They had been driven away from a little village they occupied; their houses were burned by settlers, and, in fact, all their buildings. Wadena, the chief there, relates that he stayed with the women to protect them from the intrusion of these white settlers; that the rest of the men had gone away to work and he stayed with them, and one day the sheriff came——

Q. That story has been told. Tell about the conditions.—A. They are in poverty, just living on fish, and sometimes even then their nets are seized.

Q. By the game warden?—A. By the game warden there, and the rice beds have been destroyed.

Q. Their what?—A. Rice beds.

Q. Do they gather wild rice?—A. Yes.

Q. Was it a very prosperous wild-rice region?—A. It is; yes, sir.

Q. Did they say anything about their sugar bushes?—A. Yes. They are not allowed to tap the maple there. That is what they told us.

Mr. BEAULIEU. Mr. Chairman, they have no sugar bushes at Mille Lac. They have no land there excepting these two tracts. Mr. Burch brought that in.

Mr. GRAHAM. I suppose there may be hard maples there. By sugar bushes do you mean hard maples?

WITNESS. Hard maples; yes, sir.

Mr. BURCH. When did I bring that in?

Mr. BEAULIEU. You brought it in several days past, to show that there was no Mille Lac Reservation.

Mr. BURCH. I was unconscious of it; perhaps I may have.

Mr. GRAHAM. There was something said, and she said there were no sugar bushes there.

Q. About the hay marshes; did you see any?—A. One Indian told us and we saw where he had cut the hay from alongside the road. It was a swamp, and it was this coarse marsh grass that he had made little stacks of, and he was coming back afterwards to make larger stacks. I did not understand much about the cutting of the hay; but he was not allowed to remove the hay or do anything further, and he had nothing else to feed his little ponies with. He had no oats, and he was not allowed to feed them this coarse grass.

Mr. GRAHAM. Who prevented him?

A. A settler that had bought the land.

Q. The conditions there you regarded as pitiable or pitiful?—A. Yes; very.

Q. Were there many women and children?—A. Yes.

Q. How about sickness, were they in good health or otherwise?—A. Why, they did not look very healthy, but they were in such poverty, and looked pitiful all the way through.

Q. How was their clothing?—A. Very poor; just cottons and calicoes and filthy.

Q. Did they seem to have enough to eat?—A. No; I did not see anything.

Q. Did you learn what they were accustomed to live on?—A. I saw some fish hanging outside on poles, that they were drying; and I saw also a pen containing dressed rabbits.

Examined by Mr. BEAULIEU:

Q. You spoke of a house containing 20 people. Did you see any men there?—A. Yes; I did.

Q. Were they working?—A. Yes. I recall that one of them said that he had a contract to cut wood.

Q. And have not the Indians upon the White Earth Reservation had sufficient—has not the Government manufactured a sufficient amount of lumber to give homes to all the Indians upon the White Earth Reservation?—A. Well, I don't recall that; I was then a schoolgirl; but I know that some lumber had been issued at one time to the heads of families. To what extent I do not know.

Mr. GEORGE. Where was this family that you speak of?—A. This was at Pine Point.

Q. Did you ever hear of a million feet of lumber that was sawed and delivered to the Indians, within a few years past?—A. I do not know.

Q. Was there not a suit decided just within a month against an attorney at Mahnomen who was trying to collect the amount that was due a woman for lumber sawed on the reservation for these Pine Point Indians? I mean Mr. Van Meter.—A. Yes.

Q. Do you know whether the Indians got the lumber?—A. I don't know anything about the Pine Point Indians in connection with the Indian lumber issued them at all.

Q. Do you know if there is any lumber upon the White Earth Reservation now at the mill?—A. I don't know.

Q. Could not the Mille Lac Indians have removed to White Earth or some other reservation and been taken care of there?—A. They could hardly do that, because the lands were bought just from the descriptions they were given before the trust patents were issued to them.

Q. But could they not have removed to any of the reservations under the agreement of 1902?—A. I don't know.

Q. Didn't the Chippewa commissioner try to get them to remove during the past summer?—A. Yes, but then they thought they could live at Mille Lac; they understood the treaty was that they could live at Mille Lac as long as they wished, if they lived in peace with the whites.

Q. Yes, but that is the old treaty; I am not——A. They still think so.

Q. That is, they told you that they thought so?—A. Yes.

Mr. BEAULIEU. That is all.

Examined by Mr. GRAHAM:

Q. Miss Warren, you are the same Margaret Warren who was a witness or rather an interpreter before the committee in Washington, and you have acted as interpreter here also on several occasions?—A. Yes, sir.

Q. I think there is a description of your personal history in the record in a former hearing, but let me ask you, for the record here, how old are you now?—A. I am 31.

Q. Where were you educated?—A. At the Catholic Mission School at White Earth.

Q. How long were you at that school?—A. I didn't finish the grammar course; I left there probably when I was about 14 or under.

Q. Did you go to school at any other place after that?—A. I had a term at St. Josephs, that is near St. Cloud, also a Catholic school.

Q. Have you had a special training; that is, are you a stenographer?—A. Yes; I took up that course.

Q. And typewriting with it?—A. Typewriting with it.

Q. And you are in the employ of the Government, are you not, in a clerica capacity?—A. Yes, sir.

Q. You are what part Indian?—A. My mother is considered a full blood, and my father probably was a little mixed.

Q. You are almost a half blood?—A. Yes.

Mr. GRAHAM. That is all.

Mr. BEAULIEU. I would like to ask one question, Miss Warren. Miss Warren, where are you employed at the present time and from what source do you receive your salary?

Mr. GRAHAM. The first question first. Where are you employed at the present time?

WITNESS. I am assisting the Department of Justice in their work at Detroit.

Mr. BEAULIEU. From what source do you receive your salary?

WITNESS. My salary comes from the Indian Department through Maj. Howard.

Mr. BEAULIEU. Do you know whether it comes from the Chippewa fund or not?

WITNESS. I don't know; I think there is an appropriation set aside for salaries of employees on the reservation, and perhaps mine comes from that sum.

Mr. BEAULIEU. Doesn't your check show "Relief and civilization?"

WITNESS. I don't know; I have not looked at that. I have one that I could show you.

Mr. BEAULIEU. Well, never mind.

TOM SKIN-A-WAY, sworn through interpreter, testified as follows: (Miss Warren, having been previously sworn, acted as interpreter.)

Examined by Mr. BURCH:

Q. Are you a White Earth Indian?—A. No.

Q. Mille Lac Removal?—A. Yes, sir; Mille Lac Removal.

Q. What does Mille Lac Removal mean? Does it mean an Indian who has moved from Mille Lac over to White Earth?—A. Mille Lac Removal, Mille Lac Indian living at Mille Lac and then removed to White Earth Reservation.

Q. Yes; that is what I wanted to know. Where do you live?—A. It is called Elbow Lake.

Q. Are you an Indian policeman on that reservation?—A. Yes.

Q. Do you also keep a little store?—A. Yes; I keep food, provisions.

Q. Do the Indians around Elbow Lake come to trade with you?—A. Yes.

Q. How long have you occupied this place at Elbow Lake?—A. Probably about four months.

Q. Do you know the conditions of the Indians around Elbow Lake as to poverty?—A. Yes; I know how they are.

Q. As to their houses, how are they situated?—A. I enter their houses quite frequently when I am there and find that they have nothing to eat.

Q. How about their clothing?—A. And their clothes are not very good.

Q. How about their illness—in other words, are they sick or well?—A. They are sick.

Q. All, or a few, or a part?—A. Not all.

Q. Do they come to your place begging for credit, etc., for goods on credit?—A. Yes; they have come to me and asked me to give them credit in my store, and I gave them probably about $5 worth in flour, tea, sugar, pork, lard, and what they can use to eat.

Q. Is that much for a month, or for a week, or was that all you could afford at any time?—A. I have given some about $10 worth. They have come off and on for it.

Q. Well, is this for a stated time—$10 a month or $10 worth all together?—A. Well, $10 does not go very far in the way of food.

Q. Well, I know; but is that what you could give them in a month for a month or for all the time?—A. That is all that I have given them.

Q. Now, has Maj. Howard lately paid them an annuity?—A. Yes, lately.

Q. Did they keep faith with you and pay you out of that annuity—pay their bills?—A. Yes; I have been paid in full.

Q. Are the Indians now so they can get along until springtime without starving?—A. They will be hungry again, because they have expended their money in covering bills in other stores.

Q. Paying bills?—A. Paying bills.

Q. Does the Government issue any rations there?—A. No one gets rations there now.

Mr. BEAULIEU. Just let me—he said "at Elbow Lake"—because I want to examine him.

Q. Yes, there at Elbow Lake. If the Government should issue rations there once a month, would that help them through?—A. That would be a great help to them.

Q. I take it that the committee would like to know—they possibly might recommend upon their return to Washington what to do. I am pursuing this line of inquiry for that reason. Supposing an annuity, or at least another payment, a supplemental payment—he can not understand supplemental—but an additional annuity of the same amount as the first, and then another one later, say, $20 each, would that help them out—I mean carry them through?—A. Yes, that would be some help.

Q. Would it carry them through until springtime until they could work or raise something?—A. If $20 each was given them, that would not help them very much, because everything is so expensive and high.

Q. What is your opinion of $20 each? That is, two $10 additional annuities or payments being made to the whole tribe, whether it would be good or bad?—A. I think that would be a good thing to do, as I see it.

Miss WARREN. He said that would help him out in his store, too.

Q. How far gone or how weak or helpless are these people from starvation or suffering on account of the lack of food and clothing and medicines; will you describe?—A. They are weak from lack of food and they are not strong.

Examined by Mr. BEAULIEU:

Q. Didn't the Government in 1902 agree to take care of the Mille Lac Indians until they became self-supporting?—A. Yes; that was an agreement with them.

Mr. BURCH. If they would remove from there. Wasn't that it, Mr. Beaulieu? If they would remove from there?

Mr. BEAULIEU. Yes; I mean that. And was it not the agreement to give them cattle, a team of horses—horses and wagons—if they would move up there?

A. Yes; that was promised them.

Q. They agreed to give them rations until they could support themselves?—A. That is what has been promised me, and I have heard that they have promised the others the same thing, that I would get rations for three years, and I get rations for three years. And some others I know, they get rations for that period. I know to-day that some don't get rations. Some few got rations for a little while and it was stopped.

Q. Did they not also agree to give them farming implements?—A. That is what I heard, that they would get farm implements.

Q. Has the Government fulfilled its agreements with the Mille Lac Indians?—A. I don't know anything about that.

Q. Has not the Government gotten sufficient provision in the warehouse to take care of the Mille Lac Indians who are now destitute and which belongs to them?—A. I don't see much of anything in that warehouse.

Q. Have not some of the Mille Lac rations been taken away and given to other Indians?—A. I have seen rations go to the old people, the aged Indians.

Mr. BEAULIEU. That is all.

Examined by Mr. BURCH:

Q. Where was this warehouse about which Mr. Beaulieu spoke? Which one was it? Where is it?—A. I suppose it is at White Earth.

Q. He does not mean any Elbow Lake warehouse?—A. There is no warehouse at Elbow Lake.

Q. I understand Mr. Beaulieu says it is the Government warehouse at White Earth, so that is all satisfactory.

Mr. BURCH. That is all.

Examined by Mr. GRAHAM:

Q. Just a little bit of personal history, please. Are you a full-blood or a mixed-blood Indian?—A. My father is a full-blood Indian and I am an Indian.

Q. Was your mother a full blood or a mixed blood?—A. I don't know anything about that.

Q. How long have you lived at White Earth?—A. About six years, I guess.

Q. Where did you live before that?—A. I lived at Mille Lac.

Q. Have you gone to school; can you read or write?—A. No; not at all.

Q. How old are you?—A. Thirty-nine.

Q. How long have you been in the Government service?—A. A little over four years.

Q. What are your duties?—A. I am a policeman.

Q. How much territory do you go over performing your duties?

Miss WARREN. You tell him, Mr. Beaulieu; I can not make him understand.

(Mr. Beaulieu asks the question of the witness.)

A. I am a policeman at Elbow Lake, and I presume that I am a policeman there on the reservation.

Q. Anywhere on the Reservation?

Miss WARREN. Anywhere on the reservation.

Q. What are you expected to do as a policeman?

Miss WARREN. He says, "I suppose I am to take the bottles—the whisky bottles away from anyone carrying them on their person. Is that what you mean?"

Q. What does he say?

Miss WARREN. He said if he saw anything was wrong around the town, he supposed that he would have to take them.

Q. When did you arrest anybody?—A. When the payment was made at Elbow Lake recently, I arrested a man there.

Q. What for?—A. He was selling whisky.

Miss WARREN. Selling liquor; he didn't designate what it was.

Q. Do you go around on horseback?—A. No; I have my own team of horses.

Q. Have you an allotment at White Earth?—A. No; not any.

Q. Why?—A. Yes I have land at White Earth.

Q. How much?—A. I have 80 acres.

Q. Did you get a second allotment?—A. Yes.

Q. Then haven't you 160 acres?—A. Yes; I had 160 acres.

Q. Do you live on your own land?—A. No.

Q. What use is made of your land now?—A. My land is to one side and I am not making use of it.

Q. What wages are you making from the Government?—A. $30.

Q. And furnish your own horses?—A. Yes; I furnish my own horses.

Q. Are you a married man?—A. Yes.

Q. How much of a family have you?—A. Two children.

Q. What kind of a house do you live in?—A. I have a frame building.

Q. How many rooms in it?—A. There are two rooms and upstairs. I have taken the partition down from downstairs.

Q. Is it plastered?—A. No; nothing has been done to it. I have tacked paper around it. Then I got wall paper over that.

Q. You tacked what kind of paper—tar paper?—A. It is not tar paper, it is a blue paper.

Q. Is your house warm now in this cold weather?—A. Yes; it is quite warm, and I have tried to make it so.

Q. How do you heat it?—A. By a stove.

Q. Have you a stove to cook on and another to heat the house?—A. I have a heater and I have a cook stove.

Q. Is your wife a full blood or a mixed blood?—A. I don't know.

Q. What did you do before you came to White Earth?—A. I worked in lumber camps and on the river, that is, driving, and at haymaking season I also worked at that and that is the only means of my living.

Examined by Mr. BURCH:

Q. You stated that you had lands still left? Didn't you sell your own allotment, and is it not your children's allotments that you consider you have left?—A. I have my own allotment—one allotment I have, and my wife has her allotment; and my children—one has 160 acres, and the other also.

Q. Then each child has 160 acres left unsold, and your wife has her 160 acres unsold, and you have part of your own allotment unsold?

Mr. GRAHAM. That makes in all about 560 acres, that is, the family owns 560 acres?

A. My children are not old enough to sell their land. My wife has 80 acres left.

Q. How much have you left?—A. I have 80 acres left.

Q. Then they have three quarter sections?—A. (No answer.)

Examined by Mr. BEAULIEU:

Q. This is a little outside, but I simply want to lead up to what we will show at Detroit. Can you write your name?—A. Yes; I can write my name.

Q. Do the Indians at Mille Lac write in the Indian?—A. Yes; they write in Indian.

Q. How long does it take them to learn to correspond with each other?—A. I don't know how long it took the rest, but I can tell about myself. One young man knew how to write the language. This young man was my companion, and he always taught me this until I knew it and learned it in not quite a month.

Mr. GRAHAM. It is sort of stenography that they invented themselves?

Miss WARREN. I can not tell him that.

Mr. GRAHAM. Is it sign writing, short hand?

(Mr. Beaulieu puts the question.)

Miss WARREN. Mr. Beaulieu asked him if it was not a phonetic language, and he said "No; some of them don't write as readily as others and therefore don't complete the words."

Mr. BEAULIEU. I want to show that they have a peculiar system, used among the Indians, to correspond with each other, and this correspondence may be introduced at Detroit. It is a system, I don't know where they learned it, but they learn to correspond in a month's time; read and correspond in a month's time.

Mr. GRAHAM. Fenimore Cooper in his stories tells about a system of sign writing that they had adopted so they could learn by means of pictures in the sand or on the trees or anywhere.

You may proceed with your statement now, Mr. Beaulieu.

Mr. BURCH. Well, my nerves are sufficiently braced for the shock now for the charges that will be made against me and the others by Mr. Beaulieu.

Mr. BEAULIEU. I simply want to say what I am going to prove at Detroit. This is a good deal like Mr. Burch's No. 7.

Mr. GRAHAM. Very well, that was at my suggestion.

MR. BEAULIEU'S CHARGES.

Mr. BEAULIEU. I simply want to state what I intend to prove at Detroit. It is a good deal like Mr. Burch's "No. 7."

First. We intend to produce evidence to show that under the provisions of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians of the State of Minnesota," over $5,000,000 have been expended by the Indian Office at Washington, D. C., much of which has been squandered or stolen by Government employees of that office.

Second. We will show, by such evidence as we shall be able to produce, that the Chippewas of Minnesota have sustained a great loss in the manner in which the unallotted pine timber of their reservations were sold prior to 1902, and also that the operations as conducted under Mr. O'Neill, the present superintendent of logging, has caused much loss to the Chippewas.

Third. We shall show that the amendment to the act of January 14, 1889, commonly called the Morris Act, was passed to correct the violations existing under the so-called Nelson Act.

Fourth. We shall show that the Steenerson Act was passed to fulfill the promises made by the commission created by the said act of 1889, commonly called the Chippewa Commission.

Fifth. We shall also show that the Clapp Act was introduced and passed upon the request of the White Earth allottees.

Sixth. We will produce evidence to prove that Agent John R. Howard and some employees under him have defrauded the Chippewas of Minnesota by using Chippewa supplies for their own use and benefit.

Seventh. We will produce evidence to show that employees under Agent Howard have speculated in Indian lands upon the White Earth Reservation.

Eighth. We will produce evidence to prove that Agent Howard has used school and warehouse supplies to bribe the Indians who are supporting him and the Burch force, and that they have also given employment only to those who would do this. We also shall show that at Pine Point alone he has used $1,800 for this purpose at the expense of the Chippewas.

Ninth. We will produce evidence to prove that Mr. Linnen and Mr. Morehead made such statements as led the White Earth allottees to believe that whoever would declare himself a full blood would recover the allotments of land he had sold.

Tenth. We will produce evidence to show that John H. Hinton, special Indian agent, connected with the Burch force, urged theIndians to declare themselves as full bloods.

Eleventh. We will produce evidence to show that Messrs. Linnen and Morehead worked for the employment of an attorney named Allen, and that they held councils of all Pine Point Indians for this purpose; that they were assisted by Agent Howard, who furnished the Pine Point Indians with rations from the Government school supplies to attend the council at White Earth in opposition to the employment of C. E. Richardson; that he charged Mr. Richardson with an attempt to bribe the Indians, and made false statements to the Indian Office at Washington, D. C., to this effect.

Twelfth. We will produce evidence to show that a large number of the 1,200 suits which have been commenced by the Burch forces at Detroit have no virtue in them, and that in a large number of cases fee patents have been issued for the land the force is now trying to recover; also that the Secretary of the Interior and the Commissioner of Indian Affairs approved the bids for the sale of the inherited lands the force is also trying to recover; that suits have been started to recover the lands of persons who have been placed on the Indian rolls.

Thirteenth. We will produce evidence to show that the Burch forces have used dilatory methods to prolong their employment, and have just paralyzed conditions upon the White Earth Reservation.

Fourteenth. We will produce evidence to show that the members of the families of M. C. Burch and E. H. Long have been employed with the Burch force, and that they were in some instances incompetent to fill the positions they held.

Fifteenth. We will produce evidence to show that the men who have really violated the law called the Clapp Act were not molested, and that Gus H. Beaulieu and other mixed bloods were indicted because they opposed the methods used by the Burch force, and criticised Agent Howard in the Tomahawk, a newspaper owned by said Gus Beaulieu; and that said criminal action was commenced in order to suppress the criticisms of the Tomahawk.

Mr. BEAULIEU. These are the charges that I make.

Mr. BURCH. I would suggest, Mr. Chairman, that when we adjourn, we adjourn to Detroit, Minn.

Mr. GRAHAM. We will adjourn to meet at Detroit, Minn., at ten o'clock, Monday, February 5, 1912.

Adjourned to meet at Detroit, 10 o'clock, Monday, February 5, 1912.

X

WHITE EARTH RESERVATION

No. 19

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 5, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COUNTY COURTHOUSE,
Detroit, Minn., February 5, 1912.

Mr. BURCH. Mr. Chairman, Mr. Linnen is here; and it is our wish to dispose of him, in the sense of a witness, this morning, or as early as possible, so that in case any official call should be made upon him he may go without objection. Something was said in regard to the affidavits. Mr. Beaulieu has now, I believe, had an opportunity to examine them, some 45 in number, and Mr. Linnen is here with them, I suppose, and can resume the stand.

Mr. THOMPSON. At this time I would like to say that I shall represent perhaps some of the farmers and business men on the reservation, so that I would like to have it appear what would be the interests which I represent, in company with Mr. Dennis, and that if I wish to ask questions I may do so directly.

Mr. GRAHAM. Mr. Thompson, could you give the committee some more definite idea of those whom you represent?

Mr. THOMPSON. Settlers and a certain class of farmers who are now living on the reservation.

Mr. GRAHAM. What class?

Mr. THOMPSON. Those whose titles are in question who have had lis pendens notices filed against their property; and we wish to show the conditions from our side as they exist upon the reservation.

Mr. GRAHAM. As to the business men of whom you speak, is it an association or a commercial club?

Mr. THOMPSON. We have an organization called the Associated Commercial Clubs, along the "Soo" line, and we have been representing them at Washington and in our immediate vicinity.

Mr. GRAHAM. The committee would like to get some idea of about how many witnesses you propose calling for your purpose.

Mr. THOMPSON. Well, it would depend on the number of affidavits which Mr. Linnen's reports would affect; some of the people on the reservation—for instance, some of the business people, like the land men, who have bought property—and their affidavits in this report show that the Indian was either a full blood or not treated properly. That we want to show we would like to get a list of the affidavits, such of them as are necessary, and then we want to be prepared to bring the Indians here, such of them as are necessary.

Mr. GRAHAM. You have in mind now the affidavits bearing on what point?

Mr. THOMPSON. On their dealings with the Indians as to whether a certain Indian is a full blood, or whether he represented himself to be a full blood, and the matter is now contradicted by the affidavits made by Mr. Linnen and incorporated in his report. It would depend upon how far Mr. Linnen would go or how far we would go into that; how many witnesses we would need to show the other side of the proposition.

Mr. GRAHAM. The thought in my mind was this: The members of the committee have expected something of that sort and have consulted about it, and it is our opinion that the business conditions here are really not a proper subject of investigation by the committee; but we have been letting down the bars a good deal and I think the disposition of the committee would be to let a reasonable amount of that kind of evidence into the record; but if the amount of evidence sought to be put into the record was overwhelming, on a matter so foreign to this investigation, we would have to draw the line somewhere.

Mr. THOMPSON. We do not intend to use very many witnesses and we want to be very brief, and I think Mr. Dennis will also do what he can to expedite matters.

Mr. GRAHAM. We are glad to have you with us.

Mr. THOMPSON. The only reason why we want to show something of the conditions prevalent from our side is that it bears upon the general policy of the Government in administering affairs. I realize that whether it is germane to this committee, those matters will require some remedies, and we will not go into those matters too far.

Mr. GRAHAM. I feel sure you will be reasonable, and I think we will have no trouble.

E. B. LINNEN recalled.

Examined by Mr. BURCH:

Mr. BURCH. We can have Mr. Linnen read the excerpts from the affidavits which he selected and then Mr. Beaulieu can have him read, or can read to us, whatever he has selected from the affidavits, each affidavit as it comes, whatever way Mr. Beaulieu wants to take it will be satisfactory.

Mr. LINNEN. Affidavit No. 227, made by Mah-dash, dated the 8th day of September, 1909. I will read that part of each affidavit which I have marked as pertaining to the matters that he is interested in:

I sold my allotment, No. 547, N. ½ SE. ¼ sec. 11-142-37, and lot 8 of sec. 7-142-40, which was pine timber, to the Nichols-Chisolm Lumber Co., of Frazee, Minn. Ben Fairbanks made this deal for them with me. Mr. John Lynch has tried to buy, but Gus Beaulieu would not give me my trust patent which he had. Then Gus Beaulieu and Ben Fairbanks bought this pine land of me. They gave me $1,000 cash; Gus Beaulieu paid it. Gus Beaulieu and Ben Fairbanks got Gah-gah-sin-de-bay to make an affidavit that I was mixed blood. That was not true. I told them I was a full blood and they knew that it was so. The papers I signed were not read to me and I didn't know to understand them.

Mr. BURCH. Mr. Beaulieu, have you any portion of that affidavit?

Mr. GRAHAM. Do you want it to go in right now?

Mr. BEAULIEU. I want it to go in, following the affidavit.

Examined by Mr. BEAULIEU:

Q. Mr. Linne, who was the interpreter when you got that affidavit?—A. We had two interpreters. One was John Lufkins and one was Charlie Moulton. John Lufkins was the interpreter for this affidavit.

Q. Charlie Moulton was present, was he not?—A. I presume so. We had two interpreters present there all the time.

Q. At what time did he say he sold that?—A. I read you the affidavit and it speaks for itself. There is no date given in there.

Q. Did he mention when he made this affidavit that he sold it at a particular time?—A. He did not.

Q. You don't know, then, when he sold the land to the Nichols-Chisolm Lumber Co.?—A. I didn't look up the abstract to find out.

Q. Do you know whether there was a trust patent issued at the time he sold the timber?—A. I don't know. No, sir.

Q. You don't know, as a matter of fact, that there was any trust patent at the time he contracted to sell the timber?—A. I don't know. As I stated, I had no time to look up the abstract.

Q. You took the evidence, you took that affidavit and filed it?—A. I certainly did.

Q. And did you know that Mah-dash was reported as a competent full blood?—A. As I stated before, I had not taken the time to look it up. I simply took this statement.

Q. You were at the agency office at the time you took that statement, were you not?—A. I was not.

Q. You were at the agency office, were you not?—A. Oh, yes.

Q. Could you not have taken the time to look into the matter—that is, get such evidence as the records would show at the agency office?—A. If I had taken the time to look into all these matters and check them up, and check up the records and the abstracts, it would have taken six months or a year. I did not have the time.

Q. And for that reason you didn't look it up?—A. I stated to you I didn't look up this particular matter in the records; no.

Q. But you based your report wholly upon that affidavit, your report of this transaction?—A. As I told you in Minneapolis the other day, I based my report, whatever features of it pertain to you or Mr. Fairbanks, not from this one affidavit, but from forty or fifty affidavits, and from the statements of hundreds of people up there.

Q. Well, I asked you in Minneapolis the other day if you didn't know that these same matters that you reported had been tried down at Fergus Falls, and you said you didn't know. Does that stand?—A. Certainly, sir; my answer stands good—whatever I made at Minneapolis. I wasn't at Fergus Falls, and don't know what you did there.

Mr. BEAULIEU. That is all.

Mr. BURCH. Proceed to the next one, Mr. Linnen, as rapidly as possible.

Mr. LINNEN. The next affidavit is No. 303, Nah-may-we-quay.

Mr. Linnen then read affidavit, as follows:

Affidavit No. 303.—Mah-may-we-quay, dated August 28, 1909. Three years ago I sold the timber on my original allotment No. 1826, for E. ½ SW. ¼ sec. 1-142-37, to the Nichols-Chisolm Lumber Co. Ben Fairbanks and Gus Beaulieu had previously come over to see me about this pine. They said they would pay us $1,800. Ben Fairbanks asked us to trade it out in his store. We bought goods occasionally, and got small amounts of money. In a very short time he told us the credit was exhausted, and we had only $50 left. Ben Fairbanks and Gus Beaulieu made out papers that I was a mixed blood, and I signed it.

Mr. BEAULIEU. Who was the interpreter when you got that?

A. The name of the interpreter was Charlie Moulton, and in connection with that affidavit is the further explanation in the affidavit made by Charles Wolf:

I am the husband of Mah-may-we-quay; that the statements therein contained are true and correct; and that I was present at all of these dealings.

CHARLES WOLF.

AUGUST 28, 19109.

Mr. Linnen then read affidavit No. 392, as follows:

Affidavit No. 392.—O-jib-way, dated September 7, 1909. I lost both of my allotments, original No. 816 for SE. ¼ NW. ¼ and SW. ¼ NE. ¼, sec. 16–141–40, and additional No. 636 for lot 1, sec. 35–144, and lots 3 and 4, sec. 2–143–38. Two years ago Gus Beaulieu and Ben Fairbanks came to see me about buying the pine on my additional allotment. Ben Fairbanks said he would pay $470 for the pine on this allotment. John Heisler, my son-in-law, selected this allotment for me. Out of this $470 I received $410 in cash. I can not obtain the rest of the money. Gus Beaulieu and Ben Fairbanks told me, "Now that you have sold your pine, you are a mixed blood." I touched a pen, but do not know what papers I signed.

Last summer I went to Ben Fairbanks and borrowed $30, being in need of money. I gave him the trust patent of my original allotment and he still has it.

Mr. BEAULIEU. Who was the interpreter in the one you just read? Just give the names of the interpreters and I will not care to ask any questions.

Mr. LINNEN. There were two interpreters, Charles Moulton and John Lufkins.

Mr. GRAHAM. Do you mean by that that two interpreters acted in the taking of that affidavit when you say there are two interpreters? You explained a little while ago that one acted in one case and the othere in another.

Mr. LINNEN. They were both present at all times. In fact three were present, one to correct the other. Some times one would sign as a witness and some times the other, but they were all there, heard the interpretation and interpreted either one or the other. Some times one would sign and some times another, as a witness.

Mr. GEORGE. Who signed as interpreter there?

Mr. LINNEN. Simply the witness to "mark," Charles Moulton; signing as interpreter, Charles Moulton and John Lufkins. A further affidavit in connection with this matter reads as follows:

Joe Broad, or Kah-ah-gah-sin-de-bay, and Mah-een-gence, dated Stepember 8, 1909. On the 21st day of March, 1908, we were solicited by some person whom we do not now remember, to sign an affidavit certifying that O-jib-way, a full-blood Indian of the Chippewa tribe, residing at White Earth, Minn., was an adult mixed-blood Indian, and I did so at the request of said person simply to help said O-jib-way to get some money, as we believed him to be in need of same. Said affidavit was not true, and we did not believe, and do not now believe, that said O-jib-way was a mixed blood, but we then believed and now believe him to be a Chippewa Indian of the full blood.

We hereby certify that the said affidavit is untrue and that we signed it as herein stated.

Mr. BEAULIEU. Who was the interpreter in that last one?

Mr. LINNEN. We have no paper attached here as to the interpreter, but Georgia Lacy was the witness, and undoubtedly one of the three parties who were there present was Mr. Moulton or Mr. Lufkins or Rose Ellis. In connection with this matter, I will read as follows a letter addressed to the Attorney General of the United States:

The ATTORNEY GENERAL.

SIR: I have the honor to present herewith the papers relative to the case of O-jib-way, a full-blood Indian of the Chippewa Tribe, who was allotted lot 1, sec. 35, T. 144 N., R. 38, and lots 3 and 4 of sec. 2, T. 143–38, in Minnesota, by schedule approved September 13, 1907. A trust patent was thereafter issued to him in accordance with the act of February 8, 1887 (24 Stat., 388), as amended by the act of May 8, 1906 (34 Stat., 182). On April 24, 1908, the Indian Office received the application of O-jib-way for the issuance to him of a patent in fee, under the act of June 21, 1906 (34 Stat., 325 to 353), accompanied by the affidavit of Joe Broad, or Kah-ah-gah-sin-de-bay, and David Wolf, or Mah-een-gence, to the effect that the applicant was a mixed-blood Chippewa Indian. The affidavit and application are inclosed with the evidence presented, and patent in fee was issued to him. The department is now in receipt of a report from United States Inspector E. B. Linnen, transmitting the affidavit of the affiants above

named. to the effect that the statement in their first affidavit was false, that O-jib-way was a full-blood Chippewa, and the further affidavit of May-zhuc-ke-ge-shig, Day-cah-me-ge-shig, Bay-bah-gwen-y-way-aush, and Mah-do-say-quay, showing that this allottee was an Indian of the full blood. The department is informed that the title to the land in question had passed from the Indian to Gus Beaulieu and Ben Fairbanks, representatives of the Nichols-Chisolm Lumber Co. In view of the evidence it appears that the patent fee was erroneously issued upon the assumption that the applicant was a mixed-blood Chippewa Indian, and it is requested that the United States attorney for that particular district be permitted to institute suit for the purpose of canceling and revoking the patent and recovering the lands of the allottee. In the event that you authorize such action to be brought, and upon your advice to that effect, through this department, the Indian Office will instruct the superintendent at the White Earth Indian school to render to the United States attorney such assistance as shall be required.

Very respectfully,

FRANK PIERCE,
First Assistant Secretary.

Mr. Linnen then read affidavit No. 333:

Affidavit No. 333.—Ne-sho-dain, or Nancy West, dated August 12, 1908. Three years ago I was told to come to Aspinwall's store, and there met Gus H. Beaulieu and Ben Fairbanks. Gus said first that I was a mixed blood, and could sell my pine. He and Fairbanks made out papers for me to sign. Both said they were buying my timber for the Nichols-Chisolm Lumber Co. and they would pay me $500. I took the $500 and signed papers. Frank Smith says I had over 250,000 feet on my original allotment, No. 2825, for N. ½ SE. ¼ sec. 29-141-37. I did not sell the jack pine, but they cut it.

Interpreters, Georgia Lacy and John Leecy, jr.

Affidavit No. 63.—Be-dwa-way-ge-shig-go-quay, dated (no date shown). I sold my timber on my additional allotment, No. 1824, for lot 3 and SE. ¼ NW. ¼ sec. 1-142-37 about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $1,500. This land had pine timber on same. Gus Beaulieu and Ben Fairbanks made the deal with me for said company. When we made the deal said Fairbanks gave me $300 and said Beaulieu $100. The papers were made at Gus Beaulieu's office. I did not claim to be a mixed blood. They had persons sign that I was so. I am a full blood. The papers were not read or explained to me. Joe Perrault and his wife and a Mrs. Beaushau signed that I was a mixed blood. Beaulieu and Fairbanks got them to do this. The balance of the money was paid me by the Nichols-Chisolm Lumber Co., of Frazee, Minn. When I was at their office the clerk there, named Mr. Bacus, bought the land on which this pine was for $30. I was not then asked if I was a full blood or a mixed blood.

Charles Moulton, interpreter.

Affidavit No. 475.—Wah-bah-nah-nah-go-quay, dated September 11, 1909. I am a full sister of Chief May-zhuck-ke-ge-shig. My post-office address is White Earth, Minn. I sold my original allotment, No. 387. for NE. ¼ SW. ¼ and SW. ¼ SW. ¼ sec. 3-142-41 about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn. This was pine timber. Gus Beaulieu made the sale for me. I sold for $5,500. T. B. Beaulieu was interpreter. The papers were drawn in John Leecy's office at White Earth, Minn. Mr. Nichols was present and gave me the check, first for $500 and later the company at Frazee gave me the balance of the money. I am a Chippewa Indian woman of the full blood. They had me sign that I was a mixed blood. They had James Madison, an Indian policeman and my son-in-law, sign that I was a mixed blood. He did this to get me some money, as I was poor and needed it to support myself. James Madison knew this was not so (that I was not a mixed blood) and he signed the affidavit in pity for me.

Witness, Charles Moulton.

Affidavit No. 477.—Wah-bah-nah-nah-go-quay, dated September 2, 1909. I am the daughter of May-zhuck-e-ke-ge-shig, and a full-blood Indian.

I sold first the pine on my additional allotment, No. 300, for E. ½ NW. ¼ sec. 12-142-37 to the Nichols-Chisolm Lumber Co., of Frazee, Minn., about two years ago, for $1,200. Ben Fairbanks and Robert Beaulieu made the deal and purchased this timber for said company. They sent for me to come there. They made out papers and had me and my husband, James Madison, sign them at White Earth, Minn. Ben Fairbanks paid me some of the money, $400. I signed further papers at Frazee, Minn., for the Nichols-Chisolm Lumber Co. They gave me $300 cash and $500 in a note. This was cashed at the bank at White Earth, owned by Beaulieu and Fairbanks. They charged me $40 for cashing same. They had my aunt, Ne-gah-mah-cah-mig-ge-qua, or Che-gah-dock, sign a paper that I was a mixed blood. That was not true.

Charles Moulton, interpreter.

Affidavit No. 126.—Gay-bow-wah-nah-be-quay, or Bay-bah-o-nub-e-quay, dated September 7, 1909. I sold the pine on my additional allotment No. 533, for E. ½ SE. ¼ sec. 9–142–39 three years ago to the Nichols-Chisolm Lumber Co. Bob Beaulieu made the deal.

I received $4,050 in cash. They asked if I was a mixed blood, and I said yes. He took the trust patent, I suppose, and gave it to the Nichols-Chisolm Lumber Co. Gus Beaulieu said I was a mixed blood. It was not true. He did this to buy the pine timber.

Affidavit No. 88.—James Brunette, dated August 7, 1909. Two years ago I sold the pine on my additional allotment, No. 1660, for N. ½ SW. ¼ sec. 33–142–38, to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $840. Some time before I made the sale Bob Beaulieu (brother of Gus Beaulieu) came to see me. I understand that there was a large amount of pine on my allotment. When I sold this pine I was a minor, being only 20 years of age. Bob Beaulieu acted as interpreter. They asked if I was a mixed blood, and I told them I was. They did not ask if I was a minor. I gave the trust patent to the Nichols-Chisolm Lumber Co. I was drinking in Detroit, Minn., with Bob Beaulieu before I went to Frazee to make the sale.

They paid me $240 in cash and gave me notes for $535. Of the remaining $65 they paid $15 to Attorney Converse, of Detroit, which amount I owed him. I do not know what they did with the $50 balance. I sold the notes for $480, or $55 less than the face value, to the White Earth Bank (Gus Beaulieu's bank).

John Lufkins and Rose Ellis, interpreters.

Affidavit No. 276.—Nis-co-ge-shig, or James Rock, dated July 30, 1909. In the spring of 1907 Ben Fairbanks, of White Earth, in the service of the Nichols-Chisolm Lumber Co., came and offered me $1,300 on my additional allotment, No. 1339, for S. ½ NE. ¼ sec. 25–143–38, which was pine land. He told me to come to the June 14 celebration at White Earth. When I got there he referred me to Gus Beaulieu, who was also in the service of the same lumber company. Gus Beaulieu offered me $1,300, but I did not take it, and he insisted I should see Mr. Nichols, and on October 1, 1907, I saw Mr. Nichols at Frazee, and he asked to buy my pine. I told him that I, being a full blood, the agent would have to know about it. He at once telephoned to Agent Michelet, and it was arranged that he (Nichols) would buy my pine the next morning, which he did for $950, according to his brother's estimate of my pine. The deal was finally made by me with Mr. Nichols at Frazee, Minn. He gave me $350 cash and $600 in notes, which I had to discount $30 to get the cash. I did not sell the land. My wife and I signed the papers at the Nichols-Chisolm Lumber Co.'s office in Frazee, Minn. I got a patent in fee. Maj. Simon Michelet got it for me. The timber has not yet been cut. I never stated that I was a mixed blood. I am a full blood. Just lately I understand that pine on an adjoining 80 acres was sold for $13,000. As there is $12,000 difference, I began to feel it might be worth looking into.

Interpreters, Rose Ellis and Charles Moulton.

Mr. LINNEN. In that same connection I will read a letter headed, "Nichols-Chisolm Lumber Co., lumber manufacturers, Frazee, Minn., April 16, 1908," addressed to "James Rock, or May-zhuc-ke-ge-shig, Pine Point:

DEAR SIR: Some time when you have a chance to go to White Earth, we wish you would go before the agent and establish yourself as a mixed blood, so Mr. Michelet can forward the affidavit to Washington and get a patent in fee simple for you. Do this as soon as you can, please, as we would like to get patent and settle with you.

Yours, very truly,

NICHOLS-CHISOLM LUMBER CO.,
By H. N. BOCKUS, *Assistant Treasurer.*

Mr. LINNEN. The letter has underneath in pencil writing, made by some person whom I don't know, the following——

Mr. GRAHAM. Are you sure that should go into the record? Is it of an official character?

Mr. LINNEN. It is on the same letter.

Mr. GRAHAM (examining the letter). It appears to be unsigned.

Mr. BURCH. I don't think it ought to be read unless Mr. Beaulieu wants it.

Mr. GRAHAM. You may see it, Mr. Beaulieu, but I see no reason why it should go into the record.

Mr. BEAULIEU. I think it ought to go into the record, because I want to have the handwriting identified later on as that of May-zhuc-ke-ge-shig himself, the Indian who needed an interpreter.

Mr. GRAHAM. As to the addition in pencil to the letter just read, Mr. Beaulieu says that he will later prove the handwriting to be that of May-zhuc-ke-ge-shig himself; and as Mr. Beaulieu desires it to go into the record, it may go in on the condition, Mr. Beaulieu, that you later prove the authenticity of it:

In reply to your letter of the 16th instant I have to say that I am on the Government rolls in such a way that I can not establish myself as a mixed blood; but I think I can get the patent in fee simple, with the agent's recommendation, and that in the near future, as I have already made application for same. I will let you know when it is granted.

Affidavit No. 169.—Ish-quay-gah-bow, dated September 14, 1909. About three years ago Gus H. Beaulieu procured for me a fee simple patent for my land. He procured me this in order that I might sell my pine timber to the Nichols-Chisolm Lumber Co., of Frazee, Minn. I sold the timber on my additional allotment No. 1151 for NE. ¼ SW. ¼ and SE. ¼ NW. ¼ sec. 36–143–38 to them for $9,000, and the deal was made by Gus H. Beaulieu. The papers were not read to me and I was not sworn. They asked if I was a mixed blood and I replied that I was a full blood. Mr. Nichols paid me the money. I think Gus Beaulieu signed papers that I was a mixed blood. I believe they have cut the timber.

I sold the land of this additional allotment, described above, to Ben Fairbanks last summer for $150 in trade at his store. When I sold the pine through Gus Beaulieu, Ben Fairbanks was present. The papers were not read to me and I was not sworn. He had me sign that I was a mixed blood.

Interpreters, Charles Moulton and John Lufkins.

Affidavit 312.—Ne-gaw-nah-cum-ig-go-quay, dated August 28, 1908. I have sold one allotment, No. 4946, for SW. ¼ SE. ¼ and lot 5, sec. 30–144–39, last summer to Gus Beaulieu at his office in White Earth. I had my trust patent with me. I showed it to him. He kept it. Ben Fairbanks came to the office while I was making a deal with Gus Beaulieu. He went away to his store and Beaulieu gave me $25 and a note to take over to Fairbanks. When Fairbanks got through reading it he gave me $25.

When I went to Beaulieu's office I told him I wanted $1,000. The cruiser had told me it was worth that much. Beaulieu said he would not give $1,000. He said he would give $400. I didn't know any better and I said I would take it. Since I got the $50 I have only received $40 in cash. The last time I went to him he would not give me any money but gave me an order on Fairbanks's store for $10. I don't know whether the timber has been cut yet. I saw Beaulieu about three weeks ago at White Earth and asked him for some more money on the price of the land. He said he would not give me any more money. It was after the investigation had begun. He did not like the looks of it. He gave me another order for $10 on Fairbanks's store. When I sold the land to him he asked me if I was a mixed blood and I told him I was a full blood, and that he would see I was a little white if I was a mixed blood. He kept urging me to say I was a mixed blood, and at last I said I was a mixed blood and I signed a paper that I was a mixed blood.

Witnesses, J. Weston Allen and Star Bad Body.

Affidavit No. 237.—Mah-con-dwa-we-ne-ne, dated September 2, 1909. I sold the pine on my original allotment No. 4761 for S. ½ NE. ¼ sec. 24–145–40 about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn. I received $6,600 for the timber on this land. My brother-in-law, Mr. Elmer Antil, estimated this timber and told me there was one and a half million feet of pine on this land. Gus Beaulieu sent for me to go to White Earth to buy this timber. When I got there I went to Gus Beaulieu's office and found Mr. Nichols and his clerk there. They offered me $6,600 for my timber on this land and I sold. I signed papers in Gus Beaulieu's office. Gus Beaulieu was the interpreter. I was not asked if I was a mixed blood. I am a full blood. Elmer Antell helped them get this timber from me. He asked $800 for estimating this timber. I gave him $300. I never hired him at all.

T. B. Beaulieu had me sign an application for a patent in fee. I received same. The timber has all been cut. Ben Fairbanks said I was not a mixed blood.

Witness, Georgia Lacy. Charles Moulton, interpreter.

Affidavit No. 321.—Mrs. Bongo, or Nay-ga-wa-ge-quay, dated July 22, 1909. My original allotment, No. 4493, for lot 2 and NW. ¼ SE. ¼ sec. 14–142–38. I took the trust patent of this pine in the winter of 1907 to B. L. Fairbanks, of White Earth, for $1,800.

I got $600 cash and $1,200 credit at W. D. Aspinwall's store at Pine Point. He na l sent for me. I understand that there was twice as much pine as I was paid for. The deal was made in Aspinwall's store. There were three men present—B. L. Fairbanks, Charles Moulton, and Ed Warren. Ben Fairbanks took my trust patent last fall for the same tract and sent it to the Nichols-Chisholm Lumber Co. I have not got it back. He said I would get $50. I have not received the money. They did not ask if I was a mixed blood.

Interpreters, John Lufkins and Rose Ellis.

Affidavit No. 330.—Ne-gon-ah-e-quaince, or Mrs. Be-wash, dated August 16, 1909. I sold the timber on my additional allotment, No. 867, for E. ½ NW. ¼ sec. 26-142-38, to Robert Beaulieu, of White Earth, Minn., for $200. He paid me $50, and I have been unable to get the remaining $150 to date. I was asked if I was a full blood, and I told them I was.

Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 332.—Nay-tah-wah-cumig-ish-kung, dated August 7, 1909. That about two years ago his wife, Ne-o-gah-bow-e-quay, received a letter from Gus Beaulieu, White Earth, Minn., stating that he wanted to buy the pine on her additional allotment, No. 1427, for SW. ¼ SE. ¼ and SE. ¼ SW. ¼ sec. 15-142-38.

Mr. W. D. Aspinwall received the letter and sent for my wife and myself. She told us that we were to sign the papers Beaulieu had inclosed in the letter and sell the pine for $1,500. Charley Moulton was interpreter and read the papers over to my wife and myself, and the papers stated that the consideration was $1,500 for the timber. There might have been some statement in the papers we signed that my wife was a mixed blood, and an old man named Ke-way-din signed an affidavit that my wife was a mixed blood. I have always believed my wife to be a full blood.

Later on the Nichols-Chisolm Lumber Co. found out that the timber was on an allotment of my niece, who has the same name as my wife, Ne-gah-bow-e-quay, and I understand that they bought the timber from her and paid her a sum of money for the same; and Gus Beaulieu, representing the Nichols-Chisolm Lumber Co., told me last summer that the timber on my wife's allotment was worth only $300, and that she would get no more pay and they would call it square. She had been paid $500 cash by the Nichols-Chisholm Lumber Co., through W. D. Aspinwall, and had received an order in trade at his store in the sum of $210. This is all that she received.

Interpreters, Charles Moulton and John Lufkins. Witness, Georgia Lacy.

Affidavit No. 337.—Neo-gah-bow-e-quay, dated August 16, 1909. About one and one-half years ago I sold the pine timber on my allotment No. 1427 for SW. ¼ SE. ¼ and SE. ¼ SW. ¼ sec. 15-142-38, to the Nichols-Chisolm Lumber Co., for $100. The deal was made through Gus Beaulieu, of White Earth, Minn. I signed the papers in Jim Nunn's store at Ponsford, Minn. I was not asked whether or not I was a full blood, but I am one. After I signed the papers at Mr. Nunn's store I went to Frazee, Minn., and was paid the money there by Gus Beaulieu. I gave him the trust patent to said tract of land at that time.

I have never, at any time or place, sold this land; I only sold the timber, as hereintofore stated, and have never, at any time or place, made or signed any application for a patent in fee to said tract of land. I have never authorized any person to sign my name to any application requesting a patent in fee for this tract of land. I never authorized Gus Beaulieu or his brother, R. G. Beaulieu, or any other person to ask for a patent in fee for said land. I have never signed my name to any application for such a patent, or authorizd either of them (the Beaulieus) to do so. If such a paper has been signed, purporting to have been signed by me, the same is false and untrue. I have never signed any papers except for the sale of this timber as herein stated.

Interpreters, Charles Moulton and Rose Ellis. Witness, Rose Ellis.

Affidavit No. 348.—Osh-ken-now, dated September 10, 1909. I live near White Earth, Minn. I sold my additional allotment No. 831, for SW. ¼ NW. ½ sec. 12, and SW. ¼ NE. ¼ sec. 3-142-37, about one and a half years ago, through Gus Beaulieu to the Nichols-Chisolm Lumber Co. of Frazee, Minn. It was pine timber and I sold just the timber for $800. I signed the papers in Gus Beaulieu's office. The Nichols-Chisolm Lumber Co. sent me the money. I was not asked if I was a full-blood or a mixed-blood Indian. I am a full blood. Ben Fairbanks was also in the deal. They knew I was a full blood. I was not sworn to the papers I signed. I afterwards sold this land to a man whom Fred Peake brought to me. He gave me $30 for this 80 acres of land. I was not asked if I was a mixed or full blood. The papers were not read to me and I was not sworn to same.

Witness, Charles Moulton. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 359.—O-mah-yah-wah-be-tung, dated September 13, 1909. I was asked four times to sell the pine on my additional allotment, No. 2643, for S. ½ SE. ¼, sec. 18-143-38.

About two years ago I agreed to sell my pine to Gus H. Beaulieu for $7,000 for the Nichols-Chisolm Lumber Co. I said I would pay them something if they would get me more. Gus said, "I won't take pay from you, as I get my pay from the Nichols-Chisolm Lumber Co." Gus Beaulieu helped me to borrow $200 from the bank here after the deal was made. They paid me $5,200 cash and $1,800 was paid to William Lufkins for a house which I had moved into Ogema, Minn. I paid $102.50 to have the house moved, though the company agreed, or Will Lufkins did, to have the house moved and to pay for same. They asked me if I was a mixed blood and I told them I was a full-blood Indian. They made out papers afterwards that I was a mixed blood. I think I signed such papers.

After the deal was made I signed the papers. I was not sworn. The papers were not explained to me. Just Gus and I were present when this was done.

Witness, Georgia Lacy. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 42.—Ah-be-tah-wush-kah-donce, dated August 2, 1909. I lost three allotments. The first was my own and was pine timber. He paid me $445 in cash, Gus Beaulieu bought, and reclaimed $55 as pay for fixing the papers. Husband was present (G-we-taw-ga-bow).

Witnesses, John Lufkins and Rose Ellis. Interpreters, the same.

Affidavit No. 49.—Bug-ge-nay, dated September 16, 1909. My post-office address is White Earth, Minn. I sold the timber on my additional allotment, No. 1153, for S. ½ NE. ¼, sec. 11-142-37, about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $4,000. Gus Beaulieu made the deal for me and I signed the papers in his office. I was not sworn to same. I was not asked if I was a mixed blood. I am a full blood. Nichols sent me the money. I do not think the timber has yet been cut.

Witness, Charles Moulton. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 55.—Bah-we-wub, dated September 16, 1909. I live at White Earth, Minn. I sold the pine on my additional allotment, No. 640, for E. ½ of NW. ¼, sec. 34-144-38, about three years ago to the Nichols-Chisolm Lumber Co., or Frazee, Minn., for $1,500. Ben Fairbanks made the deal. Ben Fairbanks said my father was a mixed blood. He had me sign papers that I was a mixed blood. He did not read the papers to me, and I was not sworn. I just signed my name to the papers. Mr. Nichols paid me. I left it all in Ben Fairbanks's hands and traded it out at his store.

Then I sold the same land about two months ago to Bob Beaulieu, of White Earth, for $75. He said I was a mixed blood. No papers were read to me and I was not sworn. I just simply signed the papers. I was not asked if this sale was my own free act and deed. I do not know if the timber has been cut.

Witness, Warren K. Morehead. Interpreters, Charles Moulton and John Lufkins. Signed by the party in writing.

Affidavit No. 62.—De-be-sko-ya-she-quay, dated August 25, 1909. I am the wife of Be-daw-se-gay, and was present at Gus Beaulieu's office when my husband, said Be-daw-se-gay, sold his pine to Beaulieu for $2,200, as referred to in the affidavit, No. 62, of my husband, said Be-daw-se-gay. I was also present when Beaulieu stated that he would procure a fee-simple patent for myself.

I have had read and explained to me the affidavit of my husband, said Be-daw-se-gay, and being present at the time both transactions mentioned in said affidavit occurred I know that the statements made in said affidavit are true and correct. Witness, Georgia Lacy.

Affidavit No. 62.—Be-daw-se-gay, dated August 25, 1909. About four years ago I told T. B. Beaulieu to select a good pine claim for me. He did so and I filed on a good pine claim. I did this when Beaulieu took me into the office and showed me what I was to get. The agent told me the claim was worth $7,000.

A year afterwards I met Mr. Beaulieu and he said that some one else was given my pine allotment. I asked him how that could be. He said some one else had filed on it and taken it away. I asked who did that, and he said Julius Brown took my allotment after I had filed on it.

When I drew $200 of the money due me for my timber, in the White Earth Bank, Gus Beaulieu had two men there making out papers. As I walked out, Beaulieu said to sign these papers. I did so. Then Gus said, "You have signed papers that you are a mixed blood."

Witness, Charles Moulton. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 63.—Be-dwa-way-ge-shig-go-quay, dated (no date, oath, witness, or mark). I sold my timber on my additional allotment No. 1824, for lot 3 and SE. ¼ NW. ¼ sec. 1-142-37 about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $1,500. This land had pine timber on same. Gus Beaulieu and Ben Fairbanks made the deal with me for said company. When we made the deal said Fairbanks gave me $300 and said Beaulieu $100. The papers were made at Gus Beaulieu's office. I do not claim to be a mixed blood. They had persons sign that I was so. I am a full

blood. The papers were not read or explained to me. Joe Perrault and his wife and a Mrs. Beaushau signed that I was a mixed blood. Beaulieu and Fairbanks got them to do this. The balance of the money was paid me by the Nichols-Chisolm Lumber Co., of Frazee, Minn. When I was at their office, the clerk there, named William Backus, bought the land on which this pine was for $30. I was not then asked if I was a full blood or mixed blood.

Affidavit No. 469.—Jane Caswell, dated September 13, 1909. My post-office address is at White Earth, Minn. I sold the pine on my additional allotment No. 284, for W. ½ NW. ¼ sec. 22-142-37, about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn. Gus Beaulieu helped me make the deal and drew up the papers. Gus Beaulieu offered me $3,500 for this pine, and I sold. I did not understand the papers and was not sworn to same. Gus paid me first $450. Then Mr. Nichols gave me the balance afterwards. I was never asked when I sold this timber if I was a full or mixed blood. I am a full-blood Chippewa Indian woman. My brother, Ben Caswell, gave me the minutes of this land; I handed them to the Indian agent.

Interpreters, John Lufkins and Charles Moulton.

Mr. LINNEN. I may say that the affidavits which had formerly been filed to the effect that she was an adult mixed-blood woman were signed by Joe Broad and O-jib-way.

Affidavit No. 482.—Way-che-cha-gwa-beek, dated August 26, 1909. Three years ago I took the trust patent of my allotment, No. 3207, for E. ½ SW. ¼ sec. 12-144-42, to Ben L. Fairbanks, of White Earth, Minn. It was fine prairie land. He paid me $125 cash and a team of horses, and a set of harness. Ben L. Fairbanks said there was no doubt that I was a full blood. I did not sign papers that I was a mixed blood. Joe Perrault was interpreter.

Witness, John Lufkins. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 96.—John Coleman, or En-dah-so-gwon, dated July 29, 1909. I sold the timber on my additional allotment, No. 478, for SW. ¼ SE. ¼ sec. 14 and NW. ¼ SE. ¼ sec. 23-142-38, about two and one-half years ago to the Nichols-Chisolm Lumber Co., Frazee, Minn., for $2,400 cash. Ben Fairbanks and Bob Beaulieu made the deal for the company. They came to my place and I and my wife signed papers at our home. The money was paid to me by the company at Frazee, Minn.

Interpreters, John Lufkins and Rose Ellis.

Affidavit No. 109.—Day-dah-bush-aush-eak, dated July 27, 1909. She mortgaged her original allotment, No. 2338, for S. ½ SE. ¼ sec. 36-145-40, to Ben L. Fairbanks, of White Earth, a year ago for $100. Afterwards Ben Fairbanks bought it for $700 and said he would pay the mortgage. He gave her but $260. Her husband and she signed papers. She has received no money since. He did not ask if she was a mixed blood.

Witness, John Leecy, jr. Interpreters, John Lufkins and Rose Ellis.

Affidavit No. 120.—E-quay-we-shish, dated July 28, 1909. I live at Pine Point. I sold my original allotment, No. 1925, for SE. ¼ NE. ¼, and lot 1, sec. 5-142-37, to the Nichols-Chisolm Lumber Co., of Frazee, Minn., about three years ago. Gus Beaulieu bought it of me for that company. I sold it for $3,200. Gus Beaulieu gave me a check for that sum for payment by the Nichols-Chisolm Lumber Co. I made the sale at Frazee, Minn., at the lumber company's office. Charles Moulton interpreted. I paid him $5. Gus Beaulieu sent for me to go to Frazee. I was asked if I was a mixed blood. I told them that I did not know anything about it except what was told me by my father. I did not tell them that I was a mixed blood. I am a full blood. I never drink liquor. I only sold the timber. My sons, Min-ah-quod and Que-we-zaince-e-cah-ge-gun, were present, and Gah-go-once also, when I sold this timber.

Witnesses, Charles Moulton and Rose Ellis. Interpreters the same.

Affidavit No. 122⅞.—E-quay-zaince, dated August 27, 1909. I sold my original allotment, No. 3209, for SE. ¼ NE. ¼ and NE. ¼ SE. ¼ sec. 12-142-42 to Ben L. Fairbanks, of White Earth, Minn., three years ago for $600 cash. Romain Perrault came and got me to go and sell my allotment to Ben L. Fairbanks, and he was the interpreter. I told them I was a full-blood Indian. The papers were not read to me, and I did not understand them. John Leecy took the acknowledgement.

Witness, Georgia Lacy. Interpreter, Charles Moulton.

Affidavit No. 400.—Mike Parker, or Bah-be-wahb, dated September 16, 1909. I live at White Earth, Minn. I sold my pine on my additional allotment, No. 652, for NE. ¼ SW. ¼ and NW. ¼ SE. ¼ sec. 2-142-37 about three years ago to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $6,600. Ben Fairbanks made the deal for me. I was living at Pine Point at the time, and he brought the papers there for me to sign, and I signed the same. He then promised me the money if he could find out if I was a

mixed blood. He telephoned to me from White Earth to Pine Point that he had found out I was a mixed blood, and he then sent me $1,000. Ed Warren came over and made out the papers for Ben Fairbanks, when he had me sign. He had been trying for some months to buy before I sold. I did not say that I was a mixed blood. I am a full blood. Mr. Nichols signed the check and paid me all the money.

Witness, Warren K. Moorhead. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 401.—Paykin-ah-wash, dated August 25, 1909. I sold my additional allotment (see above) on the 14th day of June, 1909 (or thereabouts), at White Earth to Gus Beaulieu for $50. I had sold the pine on this allotment before. I do not think it is cut yet. I sold the pine a year ago last spring. The pine I sold the Nichols-Chisolm Lumber Co. for $1,240 in cash. Gus Beaulieu made out the papers, and after he made them out we signed them, myself and my wife, and then Gus Beaulieu sent them to the Nichols-Chisolm Lumber Co.

Witness, John Lufkins. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 407.—Peter Paul, dated August 12, 1909. In 1908 I sold the pine on my additional allotment, No. 1513, for SW. ¼ SE. ¼ and SE. ¼ SW. ¼ sec. 2–141–39 to the Nichols-Chisolm Lumber Co., through Gus Beaulieu. I went to see Gus at White Earth at his request. Gus paid me $200 on account and said he would pay me $700 more. Altogether he has paid me $860. He asked me if I was a mixed blood, and I said "no." Since the timber deal I have sold the land to the Nichols-Chisolm Lumber Co. for $40 cash. I signed papers with my wife.

Witness, John Leecy, jr. Interpreters, John Lufkins and Rose Ellis.

Affidavit No. 158.—Solomon Sailor, or Gway-ah-qua-sung, dated July 27, 1909. That he lost two allotments; that he sold the pine from original allotment No. 1878, for W. ½ SW. ¼ sec. 25–142–38, to Charles Moulton for $1,100; this was December, 1906; that Gus Beaulieu and Ben Fairbanks were there. Gus or Ben handed me the money. That he is not sure who did, and that he handed the trust patent to Ben Fairbanks, and that he signed the papers, but his wife did not. Charles Moulton said that your wife does not have to sign. They did not ask if he was a mixed blood.

Witnesses, Rose Ellis and John Lufkins. Charles Moulton, interpreter.

Affidavit No. 164.—Gay-ke-now-wah-dah-be-quay, dated August 13, 1909. About two years ago I sold the timber on my additional allotment, No. 1633, for S. ½ SE. ¼ sec. 18–144–38, to the Nichols-Chisolm Lumber Co., of Frazee, Minn., for $1,820. Gus Beaulieu made out the papers. The money was sent to me by Nichols. The timber has not yet been cut. The papers were subsequently sent to me at Pine Point, and I signed them before J. W. Nunn, notary public at Pine Point. Nunn did not ask me if I was a full blood or a mixed blood. The papers were not read to me by Mr. Nunn, and if I signed any statement to the effect that I was a mixed blood I did not know what I was doing. Gus Beaulieu asked me if I was a mixed blood, and I told him I was a full blood.

I sold the allotment of my deceased sister, Gay-tah-ke-wub-b-e-quay, to Fred Sanders of Detroit last summer, in July, 1908. It was her original allotment No. 1589, for E. ½ NW. ¼ sec. 25–146–40. I sold it for $150 and a team of horses. This sale also included my deceased mother's original allotment, No. 2022, for S. ½ of SW. ¼ sec. 23–141–38. My mother's name was Kah-we-tah-waush-equay. Both of these estates had been probated. I was the only heir and my husband signed the deed. My husband is Mosh-kin-ay-aush, or Sam Fineday. The deal was made at the first National Bank, Detroit, Minn. George Fox was interpreter. I paid him $10. The papers were not read over to me. I was not asked whether I was a mixed blood or full blood, and if I signed any papers stating that I was a mixed blood I did so without knowing it.

The $1,820 which I got from Mr. Nichols, of the Nichols-Chisolm Lumber Co., was $500, and the balance I had to trade out of J. W. Nunn Co.'s store at Pine Point. Out of the balance I bought two teams of horses, for which I paid $730, wagons, and other farm implements, and traded out the rest at the store. I have since learned that there was half a million feet of pine on this allotment from which I sold the timber to the Nichols-Chisolm Lumber Co.

Witness, John Lufkins. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 270.—Me-zha-kee, dated August 10, 1909. Three years ago Ben Fairbanks sent for me to come to Aspinwall's store at Ponsford, Minn. Ben Fairbanks bought the pine on my original allotment, No. 1742, for W. ½ NW. ¼ sec. 20–141–37. He said he would give me $1,420. He paid me $700. He still owes me $720 which he has never paid. Charles Moulton was interpreter. I signed the papers at J. W. Nunn's store, Ponsford, Minn. I did not sell the land, just the timber. I gave them the trust patent. Fairbanks bought this timber for the Nichols-Chisolm Lumber Co. I was not asked if I was a full blood; I am.

Witness, E. B. Linnen. Interpreters, John Lufkins and Charles Moulton.

Affidavit No. 272.—May-yow-we-gah-bow, or Wolf Rock, dated July 26, 1909. That on October 20, 1908, he sold the timber on his said above-described allotment to the Nichols-Chisolm Lumber Co. for $1,300 and received $200 in cash on the date of sale and $25 which was paid to him in March, 1909. The timber on said land has not yet been cut.

That he never received a fee simple patent to said land. This sale was made to Gus Beaulieu and Ben Fairbanks, of White Earth, for the sale of the timber. They talked about it at the time, and he said he was a full blood, and they (Beaulieu and Fairbanks) also said he was a full blood. I signed all the papers they asked me to at Gus Beaulieu's office at White Earth, and I also signed papers at the Nichols-Chisolm Lumber Co.'s office at Frazee, Minn.

That he has never received the balance of $1,075 due on this timber.

Witnesses, John Lufkins and Rose Ellis. Interpreters the same.

Mr. LINNEN. The above-described allotment referred to the E. ½ of the SE. ¼ of sec. 13, T. 143 N., R. 38 W.; that he sold his additional allotment No. 1295 for the E. ½ of the SE. ¼ of sec. 13, T. 143 N., R. 38 W., containing 80 acres, to or through Mr. and Mrs. Frank Hodder, during the spring of 1909, about three months ago (warranty deed of record to Rev. Duane Porter; this affiant says he does not know said quarter); and that he sold this land to Mr. and Mrs. Frank Hodder for $150 cash, which they paid him. He told them he sold the timber during October, 1908, to the Nichols-Chisolm Lumber Co. Mrs. Hodder interpreted, and there were also present Mr. and Mrs. Hodder as his witnesses, who also signed the deed. He told them that he was a full blood and that his wife was a full blood. They were forced to sign the deed by Mr. and Mrs. Hodder.

Affidavit No. 438.—Zho-ne-ah-quay, dated September 10, 1909. About five years ago I sold my dead husband's land to Gus Beaulieu. It was my husband's original allotment No. 4175 for NE. ¼ SW. ¼ and NW. ¼ SW. ¼ sec. 15-142-41. His name was Min-ne-gee-shig. Gus Beaulieu paid me $50 by an order on some store in Detroit, Minn. I think it was Blanding & Norby's store. I have since been drawing $10 a month from the agency office at White Earth, Minn. I paid Gus Beaulieu $25 for making out papers regarding the sale.

Witness, Charles Moulton. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 440.—Peter Skip-in-the-day, or Che-ge-ge-shig, dated September 14, 1909. I sold the pine on my additional allotment No. 1833 for NW. ¼ NE. ¼ and NE. ¼ NW. ¼ sec. 11-141-39, to the Nichols-Chisolm Co. about three years ago for $2,400. Gus Beaulieu made the deal for me. I signed the papers in his office. The papers were not read or explained to me and I was not sworn to same. I was not asked if I was a mixed blood. I am a full blood. Gus Beaulieu gave me $400 when I sold, and the Nichols-Chisolm Lumber Co. deposited $1,300 to my credit in the White Earth Bank of Ogema, Minn., and paid me $700 in cash. This timber has not yet been cut. There is a good lot of timber on this land. Mr. M. J. Kolb, of the Bank of Ogema, has paid me $1,000 of the $1,300 in his bank to my credit, and will not pay me the other $300. He says I have got all that is due me. I have the papers to show that I have only gotten $1,000.

Witness, Charles Moulton. Interpreters, Charles Moulton and John Lufkins.

Affidavit No. 449.—Frederick Willie Smith, dated September 1, 1909. I sold the timber on my additional allotment, No. 550, for the SW. ¼ NE. ¼ and NE. ¼ SW. ¼ sec. 13-142-38 to the Nichols-Chisolm Lumber Co., of Frazee, Minn., about two years ago for $6,000. The deal was made for me by Cuffy Beaulieu, of White Earth, Minn. At the date of sale the Beaulieus said I was a mixed blood. I was certified as being a competent Indian by Ben Fairbanks and Robert Fairbanks. The money was paid me by the Nichols-Chisolm Lumber Co.

Affidavit No. 461.—James Skenk, or Sah-gutch, dated August 27, 1909. I sold the pine on my additional allotment, No. 2274, for lots 2 and 3, sec. 19-142-38, to the Nichols-Chisolm Lumber Co., of Frazee, Minn. They sent for me and offered me $1,075 for my pine. They paid me $275. I think they paid me by bills at Ogema, Minn., viz, the White Earth Bank (Kolb's), $160. They still owe me $640 and want me to establish myself as a mixed blood. I am a full blood, and have always claimed to be. Bob Beaulieu was the interpreter, and I made the deal through Gus Beaulieu. He paid me $275. He knew I was a full blood. I do not know whether the timber has been cut.

Witness, Susie McDougall. Interpreter, Charles Moulton.

Mr. LINNEN. Here is a letter from the Nichols-Chisolm Lumber Co. addressed to Mr. James Skenk, on a letterhead of the Nichols-Chisolm Lumber Co., dated Frazee, Minn., July 20, 1908:

Mr. JAMES SKENK, *Duane, Minn.*

DEAR SIR: Yours of the 18th just received. Our contract with you was $1,075 for your pine, on which we have paid you check when we bought the timber of $275. You gave the White Earth State Bank of Ogema an order for $160, which has been paid. Later on you gave L. S. Waller, of Waubun, an order for the balance due. We don't know how much you were to get for that, but we didn't accept the order from Waller and don't care to pay them anything for it. You have coming to you now here $640.

You state in your letter you believe we didn't pay you enough for your timber. We certainly paid you all it was worth and a great deal more than we would give for it to-day. If you would like to pay us back the $435 which we paid you, we will be glad to return you the contract and release the timber to you. If you wish to close the matter up and get the balance of your money, you should go to White Earth and establish yourself as a mixed blood, if you are a mixed blood. If you are not, have some one recommend you to the agent as being competent to handle your own business and make application for a patent in fee simple and then the matter can be closed up and you can get the balance of your money as soon as the fee simple patent arrives.

Yours, truly,

NICHOLS-CHISOLM LUMBER CO.,
By J. A. NICHOLS, *President.*

The interpreters were John Lufkins and Rose Ellis.

Affidavit No. 186.—Kay-zhe-baunce, dated September 7, 1909. I sold the pine on my original allotment, No. 663, for lot 3, sec. 14, and lot 1, sec. 13-141-39, about three years ago, to William Uran, of Ogema, Minn., for $500. The chief clerk in the Indian Office, Alex. McDougal, paid me the money from time to time. I do not know how much he paid me. Gus Beaulieu was the interpreter. I told them when I made this sale that they all knew I was a full blood. The papers were not read to me and I was not sworn to same. Bob and Gus Beaulieu first asked me to make this deal, and then they turned me over to William Uran.

Witness, Charles Moulton. Interpreters, John Lufkins and Charles Moulton.

Affidavit No. 23.—Ah-woun-ah-quod-oke, dated August 16, 1909. I also sold the allotment of my dead child, James De Jordan. This was his original allotment No. 2910, for E. ½ of SE. ¼ sec. 23-142-38, 80 acres. I sold this to Gus Beaulieu five years ago for $650. I understand that this land was sold through the Government Indian office by Agent Michelet, but I have never received any money at all. We signed papers at the White Earth Agency office. I was told that the money was in the Indian office at White Earth. This was a pine allotment, and there was a good deal of timber on it. I did not see Gus Beaulieu pay any money to the Indian agent, and I am no sure that this was a Government sale, though I was led to believe that it was.

Witness, John Lufkins. Interpreters, Charles Moulton and John Lufkins.

Mr. GRAHAM. Does that conclude the affidavits?

Mr. LINNEN. That concludes with the affidavits we had as to Mr. Beaulieu and the Nichols-Chisolm Lumber Co.

Mr. BURCH. Mr. Chairman, we desire to call attention of the committee to the fact that in the Clapp rider of 1906 there were two means of divesting these Indians of their title. That is, there were two forms whereby they might be divested of their titles; one way was to show that they were mixed bloods; the other, if they were not mixed bloods, permitted them to be shown to be competent to attend to their own business, and then with the approval of the Secretary of the Interior they could obtain fee-simple patents, and under this latter feature of that act we claim that these affidavits and sundry evidence in the record will show that where the fraud could not be perpetrated upon them by showing that they had the right to convey, where this could not be shown by their being a mixed blood, the determination was to reach their pine by having

the persons directly in the interests of the Nichols-Chisolm Lumber Co., acting as agents, like the Beaulieus and the Fairbanks, provide convenient witnesses to testify to their competency to convey to do business for themselves, through the Indian agent, and obtain an approval of that, or submission of that to the Interior Department, and then secure the acquiescence or approval of the Interior Department, and thus accomplish the purpose of getting their pine. In other words, whether they were mixed or pure blood, the same general purpose and the same general intent to acquire the pine was made manifest. That some of these affidavits relate to that particular branch, and have to do with the statements contained in the affidavits, that they were instructed that they must apply to be declared competent to do business.

Mr. GRAHAM. Do you recall whether the Clapp amendment of 1906 is already in the record?

Mr. BURCH. Oh, yes; it was put into the record at Washington in our hearings at that time, the first session.

Recess until 1.30 p. m.

AFTERNOON SESSION.

Mr. BURCH. Mr. Chairman, instead of breaking up these matters of Mr. Linnen's testimony, I desire to state to the committee, now that we have here, as I understand it, upwards of 500 affidavits; they bear largely upon Beaulieu and Fairbanks, and their operations. A large part of them, or at least a considerable number of them—I am not prepared to say how many—bear upon others who have been interested in this work of, as I might say, taking advantage of the Indian. I would not like to have the impression go to the committee, or to anyone else, that we have any particular feeling against Mr. Beaulieu, or Mr. Fairbanks, as distinguished from other parties who have been engaged in like direction; and, indeed, we believe that their transactions have not been different in kind, but only in degree, from those of several other parties interested in this work. I would therefore request that the committee allow us an opportunity—especially as these other parties are here now, or we are near their homes—to examine these five or six hundred affidavits, and present a few of each bearing upon the conduct of the several other different individuals—possibly some in Detroit, and some in these towns along the Soo Road. It will take a little time to do this, and while I am willing that Mr. Beaulieu—for we will not introduce any more affidavits respecting Messrs. Beaulieu and Fairbanks—I am willing Mr. Beaulieu should cross-examine or examine Mr. Linnen, if he sees fit—if he does not care about that, we will take some other features of this matter, and let Mr. Linnen select affidavits, which are numbered, and have them read in the same general course that has characterized those as to Beaulieu and Fairbanks and the Nichols-Chisolm Lumber Co., to-day or to-morrow, as he is able to present them; always with the understanding to Mr. Beaulieu and to those other people that they can have any more of these affidavits read that they see fit to have; or that the committee may have the whole bunch. We are only endeavoring to save time, and I will leave the matter to Mr. Beaulieu as to whether he shall go on now or wait until these others come in, or whether he may take Mr. Linnen and interrogate him respecting these that have already

been introduced, and then we will introduce further testimony of Mr. Linnen as to the others.

Mr. BEAULIEU. Do I understand that you are going to introduce further affidavits in regard to Fairbanks and myself?

Mr. BURCH. No.

Mr. GRAHAM. The committee is pleased at the position you take in this matter, Judge Burch, and while it is true that these particular affidavits go into the record really at the suggestion or, I may say, the request of Mr. Beaulieu himself, yet these affidavits having gone in, attacking Mr. Beaulieu, Mr. Fairbanks, and another, if the record rested there it would seem to those who read the record and who are not here at the hearings that these men were picked out as special targets at whom the affidavits were aimed, so that when there are others than they who are affected by the affidavits the committee feels that a limited number should be introduced as applying to these others and leaving it to those affected by them to say as to whether they wish any others of the affidavits Mr. Linnen has here to go in and to make such reply to them as they see fit.

Mr. BURCH. I now give notice to all parties interested in that way that all these affidavits are open—the whole 500 and upward—they are all open to them under proper circumstances for their inspection; they may take out few or many; they can have the whole or none. In other words, we have no interest except the interest of saving time; in that interest we have introduced a limited number; but if it is the desire to have any more put in, all right, we will put them in.

Mr. GRAHAM. Five or six, referring to each party affected, seems to the committee quite enough, unless those affected by them wish a reasonable number of additional ones put in. Mr. Beaulieu, what is your pleasure?

Mr. BEAULIEU. I want to say this: Last winter I made charges against Mr. Burch and his force and against the Indian agent and also against some employees, and I have been ever since then trying to get an investigation, and I had hoped all last summer that we would have that investigation; but Mr. Burch rushed down to Washington and anticipated what we were trying to do and put in his evidence down there, and we have had no chance up to this time to put in ours; and on last Saturday he announced that he had closed his case at Minneapolis; now he comes and proposes to introduce a whole lot more evidence that will take a full week. Now, I would like to have a chance to put in the evidence that I have and show what I have charged to be true.

Mr. GRAHAM. You are not quite accurate in saying he closed his case at Minneapolis. In the first place, there is no case to close. In the next place, it was distinctly understood that when we got back to Minneapolis there would be additional witnesses, and that Judge Burch would produce more testimony here to-day; but the chairman has said on a number of occasions that this is not a lawsuit, nor anything like it, and that there would be no closing of the matter as long as fairness required that it be kept open.

Mr. BEAULIEU. Well, I thought I would let him put in his case, and then afterwards we would have an opportunity.

Mr. GRAHAM. Well, I think he has given you very fair notice of what you would have to meet, up to the present time, and it has been sug-

gested to you by myself and others that it were better for you to wait until you saw what he had to present against you.

Mr. BEAULIEU. Do I understand that I am the man that is being investigated by this committee?

Mr. GRAHAM. No, sir; you are not; you are a mere incident to this investigation.

Mr. BEAULIEU. I am not responsible to anyone, except to the State of Minnesota, for my acts. If I violate any laws, of course I am responsible for that, and liable for that.

Mr. GRAHAM. This committee, Mr. Beaulieu, is not investigating you; it is investigating the affairs of the reservation, but such investigation could not be made without mixing you in it, which must be perfectly clear to you from the evidence offered. Now, that you have taken a very prominent part in it, is quite apparent; I have before me the charges you have filed, and which will be printed in the committee's hearings, and I know it is your intention to call witnesses to support those charges by evidence. You are now about to have an opportunity to do that. In the first place, Mr. Linnen is awaiting your pleasure now, if you wish to ask him any questions about the affidavits which he read into the record this forenoon. What is your pleasure about asking questions of Mr. Linnen?

Mr. BEAULIEU. I would like to ask him—I have just a few questions.

Mr. GRAHAM. Proceed. I know you will be reasonably brief about it.

E. B. LINNEN recalled.

Examined by Mr. BEAULIEU.

Q. Mr. Linnen, I believe I examined you at Minneapolis last week, regarding these particular affidavits which you read here this afternoon, did I not?—A. You made inquiry as to what particular affidavits referred to you and Mr. Fairbanks and the Nichols-Chisolm Lumber Co., and I gave you the names and numbers of them.

Q. Did I not also ask you if these people whose names you furnished had not been down at Fergus Falls at the trial there?—A. I believe you did; a majority of them.

Q. And you stated that you had never been there?—A. I have not been there and did not know.

Q. So that you did not know whether they had been or not?—A. No.

Q. You stated this morning that you had an affidavit of Mauche-ge-ge-shig, or James Rock. Was he an employee of the Government at the time you took his affidavit?—A. Is he the young man, son of that policeman Rock at Pine Point?

Q. I guess so. I am not acquainted with him.—A. Well, he was not in the Government employ at that time.

Q. Do you know Mauche-ge-ge-shig?—A. I know James Rock, yes.

Q. Then you say he was not in the Government employ at the time you took this affidavit?—A. Not that I am aware of.

Q. Do you know whether he is an educated man or not?—A. My recollection of the young man is that he came there with his wife, and that he was a very bright educated young man.

Q. He is unusually well educated, is he not?—A. I took him to be a very bright competent Indian.

Q. Do you know Jane Caswell?—A. Yes, I have met her.

Q. Did you require an interpreter when you took her affidavit?—A. I do not recall, but my recollection is that we did, though.

Q. Do you know whether she signed her name to that?—A. She signed her name.

Q. She wrote her name down?—A. Yes; to the affidavit.

Q. Did she state to you that Mr. Nichols had offered to quitclaim her timber—the timberland, back to her, if she would repay, refund in the neighborhood of three or four hundred dollars that he had paid her?—A. I do not remember that.

Q. She did not tell you any of the circumstances connected with her deal with Mr. Nichols, did she?—A. Well, if she had made any such statements at that time, I would have embraced them in the affidavit which I then took. I simply reduced her own statements to writing.

Q. You stated in your testimony regarding the employees, that you found that the superintendent of schools at Beaulieu had taken several thousand dollars of Indian money?—A. Had misappropriated it, taken it, yes.

Q. And that she had returned a part of it?—A. She refunded a small amount in cash to me, which I transmitted to the department.

Q. How much did she refund to you?—A. I do not recall now. It was not a great amount. My recollection is that it was something like $170, maybe.

Q. And she misappropriated how much?—A. Well, I checked back over the vouchers for a period of probably 10 or 12 years, and my best recollection is now that the amount ran up to somewhere near $3,500 and possibly more.

Mr. GRAHAM. I have forgotten the lady's name.

Mr. LINNEN. The name was Miss Cook.

Q. You have also stated that the agent, Maj. Howard, and that, for yourself?—A. I found—being there in the fall of 1909—I found that when the coal for the agency was being delivered, there was also coal being delivered at the various houses of the employees and at the agent's house, and I asked at that time if they had instructions from the department that they could use coal, and they remarked that they did not have any real instructions, but that they presumed that they could, that it had been the custom theretofore, and so they had been using the Government coal; just how much they had, I do not know. But I reported the matter to the department, and they then made regulations concerning the same.

Q. Do you know how much coal they had at each house?—A. I do not; but it would vary in amounts from probably 2 or 3 or 4 tons at one place to possibly as much as 15 or 20, maybe, at the agent's home; I don't know.

Q. Did you see where the coal was stored at the various places?—A. Yes. I saw a coal house at the rear of some of the employees' houses. I know that coal was stored in the basement at the agent's house.

Q. Did you take the measurement of the coal bins?—A. I did not.

Q. You are simply guessing at the amount, just about——A. I did not state any specific amount. I simply said that they were using the Government coal, and I asked them if they were authorized to do so.

Q. You were investigating as to what they had done with the agency property, weren't you?—A. I was making a general investigation of the matters pertaining to the agency.

Q. Would it not have been proper for you to have found out the exact amount that each person had?—A. Well, I am frank to say that I was not sure at the time whether they did not have authority to use the coal. I did not know. I believe it was no more than right that they should have, because they were a poorly paid lot of employees.

Q. But then they did not have authority, did they, under the law, to use Chippewa property for their own use?—A. I did not know of any such things.

Q. You have testified that you did not make the statement to the Indians that if they would declare themselves full bloods they would receive their lands back, recover their lands? Did you make a statement to the interpreters, out, openly, in your meetings with Mr. Moorhead and the other employees that you had with you that if the Indians were full bloods they could have their lands back?—A. I remember distinctly that on possibly as many as a hundred occasions I made statements in the presence of the interpreters, and had them interpret to the witness to this effect: "It is not our purpose to make anybody full bloods or to declare anybody full bloods that are not so. We have no personal interest in this matter; we simply want the truth and the facts; if any of you people know, or have any reason to believe, that any person who comes before us has any white blood or negro blood in his veins, we want to be apprised of that fact, because we only have to deal with full bloods and minors who, under the law, could not sell their lands. We want the truth and the facts. The law is that only adult mixed bloods can sell their lands; and consequently it follows that a full blood can not sell his lands, and a minor can not."

Q. Did you not, in your meetings with your interpreters and your employees, say openly to them that if the Indians were full bloods they would recover their lands?—A. I have probably said a thousand times, or a hundred times, that deeds made by full bloods and minors were of no force and effect, that they were invalid, and that no title passed under the law.

Q. But you talked openly with your force, in speaking with them, didn't you?—A. I made statements in substance just as I have now stated them.

Q. Did you attend any councils at Pine Point?—A. I did not.

Q. Did you attend a council where you were given an Indian name?—A. At Pine Point?

Q. Yes; at any place.—A. I will explain that. On one occasion at Beaulieu, some time after we had left Pine Point, numerous Indians who were congregated there, the old chiefs whom we were using as witnesses, promised to have a little dance and we granted the permission, and they felt pleased with our action, over the action we were taking, that we were trying to do something to help them, and as a compliment that night at an Indian dance made a statement somewhat to this effect: "We once had an old Indian chief who was a good man. His name was Bah-bah-may-ge-shig, and he is dead long ago, and we want to give you that name," and so they have called me by that name.

Q. Was it not Ban-dah-ga-ge-shig?—A. My understanding was and is that it was Bah-bah-may-ge-shig.

Q. Was Mr. Moorhead given a name at that time?—A. At that same time they also called Mr. Moorhead an Indian name. I forget now just what that was. I think it was Nah-go-na-be-zhay.

Q. Who was Mr. Allen?—A. Mr. Allen was a friend of Mr. Moorhead; an attorney from Boston, Mass., who, during the time that we were at Beaulieu, took his vacation, as I understood, and came out there and spent a few days with Mr. Moorhead as his guest, the only time I ever met him.

Mr. BURCH. James Weston Allen?

A. I believe that was it; J. W. Allen.

Q. Was there not an effort made by you and Mr. Moorhead to get a contract for the appointment of Mr. Allen as attorney for the Chippewas?—A. Absolutely none by myself. I can not speak for Mr. Moorhead. What he might have done I do not know. I took no particular interest in any such transaction.

Q. Did you hear whether he had made an effort to get the man named Allen appointed as attorney?—A. I heard the subject mentioned, but that is all. I heard Mr. Moorhead say this, in substance, that if these Indians had a good honest man like Mr. Allen to represent them as their attorney, he would do them lots of good—something to that effect.

Q. Were not you and Mr. Moorhead opposed to the appointment of Mr. Richardson as attorney for the Chippewas?—A. As heretofore stated, I took no part or action whatever with relation to the matter of the employment of Mr. Richardson.

Q. Were you not at the council which authorized the employment of Mr. Richardson?—A. As heretofore stated, I attended as a spectator for an hour or so one afternoon a council held with the Indians at White Earth. Just what action they were taking I do not now recall, but I believe something was said at that time about the employment of Mr. Richardson.

Q. Where did you attend this council?—A. My recollection now is that it was held in kind of a pavilion up above Ben Fairbanks's store at White Earth—a pavilion with a lot of boughs over it.

Q. Did you not also attend a council on the 17th or 18th of June at the schoolhouse?—A. Schoolhouse where?

Q. White Earth schoolhouse—boarding school?—A. No, sir; I was not there.

Q. You were not at White Earth Agency on the 18th of June?—A. No, sir; I did not go to White Earth until about the middle of July.

Q. The only reason I was asking that, I was told that you were present. Was Mr. Howard, the agent, at Pine Point at that time while you were out there investigating?—A. Yes; he drove over there.

Q. Do you know whether he circulated a petition out there while you were there?—A. I don't know. I have no knowledge.

Mr. GRAHAM. Just a minute there, Mr. Beaulieu. Does "he" mean Maj. Howard?

Mr. BEAULIEU. Yes; I understood he did circulate a certain petition. I thought maybe Mr. Linnen knew. That is all.

Mr. GRAHAM. Now, let me suggest, Mr. Beaulieu, that you are not at all required to confine your questions here to the former examina-

tion of Mr. Linnen. You have a right, as the committee sees it, to ask Mr. Linnen any questions you wish about the reservation, covering the whole field, if you want to, and you can take up your propositions as printed here, and you can go through them seriatum and cover the examination.

Mr. BEAULIEU. I didn't know whether I would be allowed to go outside of anything that Mr. Burch examined on.

Mr. GRAHAM. You have a right, Mr. Beaulieu, to inquire of anything concerning the reservation there. I wish you would do so now, and I want to say it emphatically so there will be no misunderstanding if there is anything wrong in the management there either now or in the past, which you can develop by Mr. Linnen, the committee wants you to do it.

Mr. BEAULIEU. Then I will continue my examination. Mr. Linnen, you were examining the agency matters generally. Did you learn anything further than you have stated regarding the transactions at the agency?

A. It has been a good while ago since I made and filed that report. I have not a copy of it with me here and I can not recall all of the things that I went into. I know this: That I found fault with a great many things. One was the principal of the school there at Pine Point. I asked to have him removed because of the condition of that school, and it was done. There were other matters. Anything that I thought needed attention I certainly took it up and stated the facts with relation to it.

Q. Was there a Mr. Dennis, clerk at the agency office when you were there, at that time?—A. There was.

A. Did he not make a statement to you regarding certain matters on the reservation?—A. Yes; Mr. Dennis did file an affidavit with me. I presume it is here; I don't know.

Q. If you have the affidavit I would like to have it produced.—A. I will say this. I have not seen it. I did not pertain to these matters that are bound up and I have not seen the affidavit, but I do recall taking an affidavit of his and filing it with my report, and he complained of certain matters.

Mr. BURCH. Maybe you can prove the substance of it here; we are willing——

Q. Can you give us the substance of the affidavit here?—A. Well, I recall one thing he complained of. He complained of the chief clerk there, Mr. West, as not treating him right, stating that Mr. West had dealt in a piece of Indian land. I took the matter up, looked it up, and found that it was true; that he had dealt in a piece of Indian land, and made a report fully covering it. Also a Mr. Eggers had bought a piece of Indian land. I recall that and I showed that up. He was an employee also.

Q. Did you make a report regarding Mr. Eggers also?—A. Yes, sir; I did.

Q. And do you know where Mr. Eggers and Mr. West are now?—A. On inquiry, I find they are both still employed.

Q. At the agency?—A. One at the agency school and the other in the office.

Q. Did you obtain any other affidavits while you were at White Earth besides this one you mention, from any of the employees?—A.

Yes. That Miss Viola Cook made a confession in substance, which was embraced in an affidavit, and I received numerous affidavits.

Q. Do you know whether any of these affidavits you mention involved Agent Howard?—A. My recollection is that they do not, any of them.

Q. Didn't Mr. Dennis's affidavit involve Maj. Howard in any way?—A. My recollection is that it did not.

Q. Did you make inquiries regarding a cellar that was dug there and the foundation for a house that was placed over that cellar in behalf of Mr. West?—A. Well, I think I remember that a house had been started to be built and for some reason they did not go on with it.

Q. That was a house that was to have been occupied by Mr. West, was it not?—A. It was to be built by the chief clerk, as I understood it. Yes.

Q. Did you learn how much they had expended there in building that house, starting to build it?—A. No, I did not.

Q. Did you report that to the department?—A. I don't recall that I made mention of that, for the reason that I presumed the department might have granted authority to build the house and then later have withdrawn the authority. I would not attach any great importance to that.

Q. Did you investigate the matter and learn whether the Chippewa tribal funds had been used to build that house or start the building of it?—A. I did not; no, sir.

Q. You did not learn how much was expended in that?—A. No, sir.

Q. While you were in Minnesota in 1909, did you visit Cass Lake?—A. I did not.

Q. You didn't make any investigations out that way?—A. No, sir.

Q. Did you learn whether Maj. Howard had used Government employees, in his garden working around and helping him personally, and paying them out of the tribal funds?—A. No, sir; I knew that he had a barn man, an employee there, that worked up around the barn. Other than that I did not know.

Q. Was not a report made that a Government employee was working in Maj. Howard's garden and around his house, and paid out of the Chippewa funds?—A. I don't recall.

Q. How many employees did you learn were speculating in lands on the reservation?—A. I only learned of two who were then employees who had purchased any land, and each one tract. One was Mr. West and the other Mr. Eggers.

Q. Did you learn whether Mr. Howard had recommended the issuance of the fee patents for the tract of land that Mr. West had purchased?—A. No; I don't recall.

Q. You didn't learn anything about that matter?—A. It is possible that I may have looked it up, but I don't remember it now. My report and those affidavits that I took would be the best evidence.

Q. Well, to refresh your memory, didn't you learn that Mr. West had made up the report and that Maj. Howard had signed it, recommending the fee patent for that tract?—A. It is possible; it may be true; I don't recall it now.

Q. Well, when you were at Pine Point investigating there, do you know whether the Indians had any councils or not?—A. My recollection is this: That on one certain day when we were there and there were a great many Indians called to give evidence before our investigating committee, or board, the Indians got together out in a little park from the school room where we were and held some sort of gathering. I don't know whether you call it a council or not. I don't know; I didn't attend it and don't know anything about what they did.

Q. Was Agent Howard there at that time?—A. No; I don't think he was. I feel pretty sure he was not.

Q. Can you recall when a delegation of Indians left Pine Point to attend a council which was going to pass upon Mr. Richardson's employment?—A. No; I don't.

Q. Do you know whether Maj. Howard used school supplies at Pine Point, and whether he issued them to the Indians for a council?—A. About that I only know this: That during the time we were at Pine Point on this investigation we made it a practice to give the Indians their dinners, the Indians who came in to testify before us, and I requested, and Mr. Moorhead did, that certain rations there be cooked in the mess so we could give the Indians their dinner. That was done, but as to any rations for any council meeting, I don't know anything about it. As I say, I don't know anything about a council meeting.

Q. You never heard anyone say that there had been rations issued to Indians for councils, did you?—A. No; I don't recall that I have

Mr. BURCH. I suppose you mean Chippewa Indians, Mr. Beaulieu?

Mr. BEAULIEU. Well, there are no other Indians at White Earth.

Mr. BURCH. At Pine Point——

Mr. BEAULIEU. Well, Pine Point is on that reservation. I guess that is all I have to ask Mr. Linnen.

Mr. BURCH. I will ask the chairman to suggest that any one else desiring to interrogate Mr. Linnen, do so now.

Mr. THOMPSON. I would like to ask Mr. Linnen some questions. They are in this direct line.

Mr. GRAHAM. No matter whether they are or not, ask them.

Examined by Mr. THOMPSON:

Q. I would like to ask Mr. Linnen, do you know if Mr. Moorhead made any representations to these Indians that they would receive their property back in case they testified they were full bloods, before your committee?—A. I never heard Mr. Moorhead make any statements or representations other than I have made. In fact, we talked that matter over and were very particular with relation to that matter.

Q. Was it not the impression, created among the Indians, that all they had to do was to go before your committee and make this representation and then they would get their property back?—A. No; I don't think so. The Indian undoubtedly understood from some source what the law was, that only mixed bloods could sell, the adult mixed bloods, and they may have interpreted the reason for our trying to determine who were full bloods, and they may have very properly thought or have been told by most anybody that if they were full bloods or minors, a deed made by them would be of no force or effect.

Q. Well is it not a fact, Mr. Linnen, that the Indians thought, or were led to believe, that all they had to do, was to come before that committee and make these representations, and that following that their property would be recovered by the Government?—A. They were not led to believe that by us. They were led to believe simply this; that we wanted the truth and the facts only to establish those who were full bloods, and that we had no interest whatever in establishing anybody or any person as a full blood if he was not a full blood. We were simply there to get the truth and the facts.

Q. Do you know if your help or your superintendents made any such representations?—A. They certainly did not in our hearing or with our approval. We would not permit any such statements to be made.

Q. Have you not heard this charge made upon the reservation, that the Indian policemen or those in your employ, went about the reservation and told these Indians in substance, now here is a committee sent here from Washington to hear your grievances, and if you are full bloods and sold your property we will recover it for you—or something to that effect?—A. No, sir.

Q. Did you employ any Indian policemen to bring the people to you?—A. No, sir; we simply sent out by any way we could to different parties we wanted to interrogate, and sometimes the word was sent out by Indian policemen and others, but we made no statements to them why we wanted these people. Go out and bring in such an Indian, such and such an Indian, and so on, that is all there is to that.

Q. It is true, is it not, Mr. Linnen, that you did employ Indian policemen for your assistants in getting these Indians before your committee?—A. We didn't employ them. They were employed by the Government and naturally, if we wanted to send a message and could have the use of a policeman, we would send him of course.

Q. We would like to know something about the nature of the work and of the way that all these affidavits were prepared. It is a very important matter and I would like to make an inquiry into that, a few questions. I don't mean any reflection on anyone, but to show the method of working and how you got at it.

Mr. GRAHAM. Mr. Thompson, banish that thought from your mind—that is, the idea that you have no right to cast any reflections upon anyone. Don't hesitate anywhere, if there is anything that you know. You are a lawyer and I assume that you know what is material, so go on in your own way.

Mr. THOMPSON. I am apt to think that I am in court instead of before an investigating committee, that is why I am cautious.

Mr. GRAHAM. Well, before the committee you have more latitude than you would have in court.

A. I will explain exactly how these were taken if you want to find out. I will be very glad to.

Q. Some of my questions have suggested that I would like to know how the facts were arrived at, that were brought into the affidavits, how the work was taken down, how they were interpreted, etc. Please explain that.

Mr. GRAHAM. Do you want it in a general way, or do you wish to ask, step by step?

Mr. THOMPSON. In a general way. I think that is sufficient.

A. It was our purpose first to establish as to who were the full bloods, knowing, as we did, that those were the only Indians that we had to deal with in the matter of transferring their property, except the minors, so that we tried to ascertain by every means within our power who were the full-blood Indians, and we would make inquiries from the various Indians and the various people, who were supposed to know as to the various Indians, who were full bloods. And those Indians there would be sent out, or somebody would be sent out, to request them to come in. And they would come before us, and we would then subject them to questions before these old Indian witnesses whom we had to ascertain for us from them who their parents were and their grandparents on the father's and mother's side; whether they ever knew or ever had heard of any white blood or negro blood being in the veins of any of their ancestors; whether it had ever been charged by anyone that they were full bloods or that they were mixed bloods. And then we would put the questions to the various witnesses whom we had: "Do you know this party before you; who is he; where does he live; how long has he lived there? Do you know his father; what was his name? Do you know his mother; what was her name? Did you know the father's father; what was his name? Did you know the father's mother; what was her name; where did they live; how long did you know them? Did you know the mother's father and the mother's mother, and so on, as far back as we could go. Were they Indians; were they full bloods? Did you ever hear of any white blood being in the veins of any of them, or any negro blood? Have you heard it charged by anybody that there was any mixed blood in them?" and those facts would be certified to by each of these witnesses before us who knew as to those facts. After we had arrived at a conclusion, whether or not that party was a full blood, whether it was so testified that he was, then we would say: "Did you sell your allotment; did you sell your original allotment?" They would then tell us the story. "Did you sell your additional allotment? When did you get your additional allotment? Was it pine land? Did you sell it? If you did, give the history of it. Whom did you sell it to? How much did you get for it? What were the circumstances? Where were you sworn to these papers? Were you drinking at the time? Did anybody come out here to induce you to come to Detroit or elsewhere and sell that land? How much were you offered? Did you get the pay for it? Did you sign a mortgage?" We asked all the questions that would bring out the information, and they were asked through the interpreters, three being present at all times.

Q. Was it taken down in shorthand?

A. That was reduced to writing, and when it was reduced to writing, the statement that would be made to the interpreter, the answer that he would give, would be reduced to writing and after that affidavit was written—it would be taken in shorthand generally—after it was written the affidavit would again be read to the Indian by the interpreter and interpreted to him as to whether or not these were the facts as he stated them, and if he desired to make any correction, it was made before that affidavit was subscribed to, and then the affidavit was subscribed and sworn to, the Indian was given to understand the nature of an oath and what it meant and as to whether or not he was telling the truth, and that was sub-

scribed and sworn to before a witness, and generally two witnesses who witnessed his mark, and then the interpreters certified that they interpreted that correctly and that they knew that this man or that man understood what he was signing; that these were the facts, as stated, and that he or she so certified.

Q. What was the nature of Mr. Moorhead's work in this connection?—A. Mr. Moorhead worked in conjunction with me along similar lines. I might say that Mr. Moorhead had had no previous experience along these lines, and he was, I may say, governed by what I did or what I suggested. He worked along the very same lines and did the very same thing that I did, and in some instances he swore these people to these affidavits, and in others I did. We worked along the very same lines that I have suggested.

Q. Did you read an article written by Mr. Moorhead in the Boston Transcript, in 1909, after he had finished this work; do you recall reading such an article that had been published by him?—A. I recall reading several articles published by Mr. Moorhead; I don't exactly recall the statements he made.

Q. Would you say that was a fair write-up or representation of the conditions on the reservation, or was it colored?—A. I would say this: That he did not state half the truth, that he did not tell half the facts of those conditions.

Q. Well, but some of the things that he gave out to the press were overdone, don't you think, colored in a way?—A. Well, if you will pick out any particular statement I will let you know what I think about it. I would not criticize his article at all.

Q. Speaking of conditions as stated by him as not being half the truth, that is from your viewpoint is it not, Mr. Linnen?—A. It is borne out by the evidence right here by the facts within our knowledge, and by the evidence.

Q. Had you been at White Earth, Mr. Linnen, before the summer of 1909?—A. I had not.

Q. I believe that is all.

Mr. DENNIS. I would like to ask a few questions also.

Mr. GRAHAM. Do so.

Examined by Mr. DENNIS:

Q. I presume you remember an Indian by the name of Joe Broad?—A. Joe Broad? Yes, sir.

Q. Do you know whether you considered him a mixed blood or a full blood?—A. I don't recall now whether he was or not.

Q. Well, Mr. Linnen, Mr. Moorehead's article here says that Joe Broad was listed as a mixed-blood Indian. Does that refresh your memory as to whether or not you had listed him as a mixed blood or a full blood?—A. Well, I presume that would suggest that he was a mixed blood.

Q. Well, had you the records of his blood?—A. Unless he is a full blood, no.

Q. Well, could you tell me whether you had him as a full blood?—A. I would have to look over that list containing something over 900 names.

Q. I wish you would look it over then and tell us.

Mr. GRAHAM. Do you mean to look over all these affidavits, more than 500?

Mr. DENNIS. I would like to know whether he is listed as a mixed blood or full blood; that is all. They ought to be able to tell us.

Mr. LINNEN. The report as to who the full bloods were that I sent up at that time, will state—I haven't them here, I don't know. I would be glad to find out later and let you know.

Q. If they were at any degree a mixed blood, did you put them on your full blood list or not?—A. Where we ascertained that they had any particle of mixed blood, any drop of white blood, or negro blood, in their veins, we didn't classify them as full bloods.

Q. Then if the other evidence shows that any person represented himself as being four-fourths or entirely full blood, when as a matter of fact they were less than that, they misled you?—A. Of course, if the evidence we took was untrue and that party was not a full blood, why, he was not. But, of course, we took the evidence in the best manner we knew how and we were satisfied that it was true and that he was a full blood. Of course, we could have been deceived in some instances.

Q. Well, now, taking Mr. Broad's case, Mr. Linnen, Mr. Moorhead says he is a mixed blood, and I think in Mr. Hinton's roll he is down as a mixed blood, and I think the Government attorneys and Government people will recognize the fact that he is a mixed blood; is it not a fact that you have his daughter Equaisance down as a full blood?—A. I don't know.

Q. Didn't you write me a letter a year ago last summer that Equaisance was a full blood, and didn't I write you back that she was a daughter of Joe Broad and that Joe Broad was a mixed blood? Is there not a lawsuit pending in her case?—A. It is possible that may be true.

Q. Have you no recollection of that correspondence?—A. I do recall, now, having correspondence relative to some person, but I don't remember who it was.

Q. And I informed you in that correspondence that she was the daughter of Joe Broad?—A. Possibly that is true.

Q. And notwithstanding that information, you put her down as a full-blood Indian?—A. How long ago was this?

Q. Well, while you were in Pine Point on the Indian Reservation.—A. I don't remember the circumstances. I know that I accepted the evidence that we could get rather than anybody's statement.

Q. Certainly; you didn't try to find out the truth, except from the Indians?—A. Oh, I didn't make any special case of hers any more than I would of anybody else.

Q. No; but having an affidavit that she was the daughter of Joe Broad, from a competent source, as I think mine was, nevertheless you arbitrarily placed her on the full-blood rolls without investigating my information?—A. My recollection is that there is several Equaisances.

Q. A great many?—A. And which Equaisance it was I didn't know then, and I didn't know even that there were several on the roll; which one we had before us, I didn't know. It may be that there is an Equaisance that is the daughter of Joe Broad, but is that the Equaisance that was before us?

Q. Yes.—A. I don't know.

Q. Your letter stated that she was a full blood—the Equaisance before you?—A. Yes; but I didn't know that she was the daughter of Joe Broad.

Q. Neither did I.—A. The evidence itself will show it.

Q. Do you think, Mr. Linnen, in regard to this Mr. Moorehead's story, that any dentist ever put brass tacks into that Indian's mouth? A. Brass tacks? [Witness laughs.]

Q. Brass tacks. This was in his story here about the itinerary dentist or horse doctor that put brass tacks in Joe Broad's mouth. Do you believe that to be true?—A. I am not criticizing Mr. Moorehead's statement; that is his; I have nothing to do with it.

Q. I am asking you if you believe that it is true?—A. I don't know anything about it.

Q. Well, did you state to Mr. Thompson that he did not tell half of it?—A. Generally speaking, I say he had not told half of the suffering and robbery that occurred among the Indians—not half.

Mr. GRAHAM. What is the statement, Mr. Dennis, about brass tacks?

Mr. DENNIS. About this particular case?

Mr. GRAHAM. Yes; give us the context to show what it is that we may get a clear idea of the statements Mr. Moorehead makes—whether it is serious or in levity.

Mr. DENNIS. I would be glad to read it to you. He claims that one of our Detroit dentists put brass tacks——

Mr. GEORGE. Who claims?

Mr. DENNIS. Mr. Moorehead in his famous $450 story here that he——

Mr. GEORGE. Where is that story?

Mr. DENNIS. Right here in the Boston Transcript.

Mr. GEORGE. What is the date?

Mr. DENNIS. October 15, 1910, after he was out of the service; not while he was in the service.

Mr. LINNEN. It was a year after he was out.

Mr. BURCH. I want to hear about the brass tacks.

Mr. GRAHAM. Yes; this seems to be a case where they really got down to brass tacks.

Mr. LINNEN. I think he must mean brass caps.

Mr. DENNIS. If it is caps, Mr. Linnen, I will correct myself; I was under the impression it was tacks. It has been a year since I read this, and if it is caps we will change it. [Reads:]

Joe Broad is listed as a mixed-blood Indian, but he is so dark that he would pass as a full blood. He does not speak English. He sold his land and received a large sum of money, but much of this was gotten away from him by the usual methods. At last he and his wife decided to keep their last remaining $500 to buy groceries and other necessaries, being assured of something if they followed that plan. Mrs. Mee, an interpreter, came to Joe, according to his affidavit, and stated that he should have gold teeth. Joe declared his teeth were in good condition and he didn't need the services of a dentist. She replied that all white men of consequence had gold teeth and flattered Joe as to his personal appearance. The affidavit states that she told him, "When you open the mouth the gold will show and the Indians will think you are rich, having gold in your mouth." So Joe Broad was persuaded into going to Detroit. Here the testimony is not clear—one person stating that Joe was taken to a horse doctor, whereas the other evidence is to the effect that he visited an itinerant dentist.

I want to show right in there that the dentist that he went to—and Mr. Moorehead could have found that out—was a regular practicing dentist of at least 50 years of age, who has been on our State dental board.

Mr. BURCH. But he did go to a dentist?

Mr. DENNIS. He did go to a dentist and had his teeth filled and paid for it; yes; they got his money.

Mr. GRAHAM. Please continue the reading.

Mr. DENNIS (continuing reading):

Be that as it may, Joe was examined by the horse doctor or the dentist and was told that he had 28 teeth instead of 32. Mrs. Mee thereupon emphasized his honesty, that he would charge Joe for 28 teeth only instead of 32. Joe states that the man used a hammer and punch; that he took round caps out of a little box—

Yes; it is caps—

and hammered them on to the crowns of his teeth. All of this hurt him much and they sent him out and gave him a drink of whisky. When the Indian speaks of a drink, he usually means a tin cup full. Joe didn't notice the pain so much, but his gums bled a great deal in the afternoon. The process was continued and Joe was given more whisky. At last the dentist got through and charged Joe $280, or $10 per tooth. Joe went home and in five or six weeks his teeth and mouth became very sore. He went to the Government physician, who held a hand glass so that he might see his mouth. All of his teeth had turned green. The horse doctor had hammered brass caps on every one of his teeth. Joe nearly had blood poisoning and lost some of his teeth; was afterwards examined by some other fakir who charged him $130 to remedy the work of the so-called dentist. I have been on many reservations and have heard many hard stories, but for downright, contemptible, devilish ingenuity the case of Joe Broad passes anything ever brought to my attention.

Mr. GRAHAM. Let me say to you, Mr. Dennis, that Mr. Moorehead will be a witness before the committee when it gets back to Washington.

Q. Do you know that that affidavit of Joe Broad's was taken in the regular course of business?—A. I presume there was an affidavit taken by Mr. Moorehead at the time.

Q. Do you think you could find that affidavit?—A. I don't know. I don't recall that there was one, but I presume there was.

Q. Will you please look for it?—A. I am advised that it is not with these affidavits because it didn't pertain to a land matter. It was probably a special affidavit, and it is probably not filed with the department, and I judge that Mr. Moorehead has a copy.

Q. Did you see Mr. Broad at any time?—A. I have met him; yes.

Q. Were you present when this affidavit was taken?—A. I don't recall it.

Q. Do you ever remember anything being stated about his teeth?—A. Yes, I do; I remember some statement having been made to the effect that some dentist had filled his teeth or crowned his teeth, with either brass or copper instead of gold, and that they turned green, and that he had to have the work done over. I remember hearing something about that.

Q. You don't believe, Mr. Linnen, that this article is colored; do you think that it is true?—A. I don't care to criticise Mr. Moorehead's article.

Q. Do you know who prepared the affidavit?—A. I don't remember.

Q. I guess that is all at this time.

Examined by Mr. BURCH:

Q. Mr. Linnen, was there anything peculiar about Joe Broad that attracted your attention? I mean respecting his actions, for instance. Did he witness for a large number of people one way or the other?—A. My recollection now is, that Joe has been used in a great many cases as a witness to certify that certain people were mixed bloods.

Q. Was he a very old man?—A. My recollection is that he was quite an elderly man; that his teeth were filled with gold, and I recall he testified before me that he signed affidavits—one I remember particularly for Ojibway, to the effect that he was a mixed blood, when he knew that he was a full blood. He said that he had signed many affidavits that way.

Q. Did he state to you about being regularly employed at so much per head to make affidavits of that kind?—A. I would not be sure, but my recollection is that there was something of that kind. He was paid so much apiece for making affidavits.

Q. Now, as to the mental condition of this Joe Broad. Did you learn anything in that investigation about that? Was he regarded as an imbecile—not an imbecile exactly, but as a feeble-minded person?—A. He was; yes. He was not regarded as being bright or responsible.

Q. From the best information that you obtained, would you say that for business purposes he was a compos mentis?—A. I believe he was not.

Q. Who, did you learn, had mainly used Joe for this purpose?—A. Mr. Gus Beaulieu for one.

Q. Any others?—A. Ben Fairbanks.

Q. Any other?—A. No, I don't recall, unless it was Bob Beaulieu.

Q. Is he still living—Joe Broad?—A. I haven't seen him since 1909; I don't know.

Q. You don't know whether his presence here could be procured, then?—A. I don't know that he is living.

Q. That is all.

Examined by Mr. DENNIS:

Q. Would you consider that Mr. Broad was competent when he made that affidavit?—A. Which affidavit?

Q. The affidavit referred to in Mr. Moorehead's statement.—A. I have stated what I considered true about Mr.——

Q. That he was non compos mentis?—A. I don't consider him bright, reliable, or responsible.

Q. You stated you didn't consider him compos mentis?—A. Yes, sir.

Q. And you did not consider him so when he made this affidavit?—A. I don't recall as to that affidavit.

Q. When did you consider him non compos mentis?—A. Always; since I have known him——

Q. That he was non compos mentis when he made this affidavit?—A. And even before that I thought he was not a responsible man.

Examined by Mr. BEAULIEU:

Q. Mr. Linnen, when you were there in 1909, did you consider him competent to make an affidavit?—A. I considered him wholly unreliable and irresponsible. I considered he was the kind of man you could buy for a few drinks of whisky, or for the sum of $5, to signs anything.

Q. Was that the way you obtained his affidavit that you read this morning?—A. No; that is not the way I obtained his signature; I didn't pay anything nor give him a drink of whisky.

Q. Then he was not competent to make an affidavit for anyone except Mr. Linnen?—A. I told you how I regarded the man.

Q. Well, if you regarded him that way, why did you accept his affidavit?—A. I got his statement to counteract the statements that he had made for you.

Q. Who informed you that he had made any affidavits for me?—A. He did, himself.

Q. Have you got his affidavits?—A. I have the affidavits here.

Q. Well, you will produce them to the committee, will you not?—A. I surely will.

Q. Now, Mr. Linnen, did you take the affidavit of George Walters, that he was a full blood?—A. I don't recall; the affidavit will show for itself; I remember of his being before us; whether I took it or whether Mr. Moorehead took it, I don't know.

Q. Do you remember that George Walters received $14,000 for his timber?—A. At the same time, or some place; I did learn that he received quite a sum of money; I don't think I ever knew how much until it came out before the committee at Minneapolis.

Q. Did you inquire of him or anybody else why he took $14,000 from the Nichols-Chisolm Lumber Co., knowing that he was a full blood; that is, providing he was a full blood?—A. I don't recall the circumstances. The affidavit would state for itself.

Q. Did you frequently find people who had received large sums of money for their pine timber who declared themselves as full bloods by affidavit?—A. I don't recall. I paid no special attention to those any more than anyone else.

Q. Did you take the affidavit of Equaisance?—A. I don't recall—there may be such an affidavit here.

Q. Did you not read this morning an affidavit of Equaisance, in which she said she had been to Frazee, and that I had given her a check of twenty some odd hundred dollars, or maybe thirty-odd hundred dollars?—A. If the statement so stated, which I read, of course, that is so.

Q. Did she have any reason for accepting that money?—A. Why, it is not necessary for an Indian to give a reason for accepting money; they all want money.

Q. She accepted the money in that way?—A. I presume so. I have no reason to doubt it, if you gave it to her.

Q. Do you know that Mr. Moorehead induced her to make an affidavit that she was a full blood?—A. We didn't induce her or anybody else to make affidavits that they were full bloods; we never induced anybody to do anything that was against the truth and the fact.

Q. Did you not make inquiry of her how she got that money—for what purpose?—A. I don't have any distinct recollection; I don't remember.

Q. Did she not state to you that the reason she complained to you was that she was a full blood and that she had lost $300?—A. I have no recollection of that.

Q. Did you not tell her that her son had got $300 from the place where she had it on deposit without her knowing it?—A. I have no recollection about it.

Q. Well, didn't Mr. Moorehead say that: "How can Gus Beaulieu be blamed for this transaction?"—A. I have no recollection. He may have said so. He would be very fair and just, I know.

Q. That is all.

Examined by Mr. GRAHAM:

Q. Do you know how many full bloods there are on the reservation?—A. That would be very hard, Mr. Chairman, for any person to answer. I doubt if there are half a dozen.

Q. How are they declared to be competent?—A. Simply this way: They apply to the Indian agent for a patent in fee and to be declared competent. Then they procure affidavits of certain witnesses and file them with the department to substantiate their claim, to prove that they are competent. Generally that is done this way: Some person is desirous of securing their land or their timber, and after inducing them to part with it or inducing them to make an application for a patent in fee so that they may do so, they then prepare for that Indian an affidavit certifying as to his competency, and 90 per cent of those affidavits so turned out prove in the long run to be untrue, because the Indian is not competent. It is very rare that they are competent, and I may go outside of the full bloods and say that a very, very large percent of the mixed bloods are not competent, and it has so been proven.

Q. Has the Department of the Interior or the Indian Bureau any rule as to the character of the affidavits necessary to establish competency on the part of the full blood?—A. They have now, Mr. Chairman, but they did not formerly have any specifications particularly. Formerly affidavits signed by somebody who was presumed to bear a good reputation to the effect that the Indian was competent to handle and transact his own business, and approved by the Indian agent, who would sign them up and recommend that the patent in fee be granted, they took his judgment as to the recommendation and granted it. But now there is a requirement. The Indian must make the application for his patent. To declare himself competent he must make it out himself, in his own handwriting, and show a certain degree of education, show that he is intelligent, educated to make out this application himself and is capable of conducting his own business affairs, so that the conditions are different from what formerly obtained.

Q. When was that change made?—A. I think about a year and a half ago.

Q. Has it been applied and in force since?—A. It is my information that it has been.

Q. Do you mind expressing an opinion, if you have one, as to where you would draw the line if it were called upon you to draw it, between the mixed bloods and full bloods under that law?—A. I would say, Mr. Chairman, that any degree of white blood or negro blood in an Indian would make him a mixed blood.

Q. That is true literally, but if a new law were being made with a view to saving incompetents from wasting their property and an arbitrary line were to be drawn regardless of the minimum quantum of white blood, where do you think that line should be drawn, at half white blood or quarter white blood?—A. Certainly not less than half white blood, but even then there would be very, very many who would not be competent.

Q. Would you think a statute a wise one which would provide that hereafter, for the purpose of administering such law on Indian reservations, all Indians having less than one-half white blood should be

designated as full bloods?—A. Well, I hate to say. I would certainly say that no Indian with less than half white blood should be declared competent, as a general proposition; there are exceptions.

Q. That is, competent because of his blood?—A. Yes, sir.

Q. But if such were the law, would you still be in favor of having the individuals under disability to have the right to prove to the Secretary of the Interior that they were competent?—A. Yes, sir.

Q. Regardless of the quantum of blood?—A. Yes, sir.

Q. Do you know what the annual appropriation is for White Earth?—A. No; I don't know, Mr. Chairman.

Q. Do you know the cost of schools on the reservation by the year?—A. I presume that during the year 1909—I made an investigation there, and it specified just what the cost was—I would say, roughly speaking, that the day schools, which were five or six in number at that time, probably the expense was about $10,000 or $13,000 for those day schools, and the boarding schools, of which there were three—one at White Earth, one at Pine Point, and one at Beaulieu—would probably cost the Government $30,000 to $40,000 a year to maintain.

Mr. GEORGE. The three schools?

Mr. LINNEN. The three boarding schools.

Q. Are all the school children on the reservation getting one meal a day now at the schools, do you know?—A. I couldn't say now, Mr. Chairman, what is taking place; but, of course, the pupils at the boarding schools get all their meals and free clothing and everything.

Q. I refer to the day schools.—A. In the day schools they are supposed to only get the noonday meal. I don't believe they would get that at the White Earth day school, but at the other day schools it was my understanding that they get the noonday meal.

Q. Have you heard any complaint as to the adequacy of the schools for the number of children who attend them, or ought to attend them? A. My recollection is that during the year 1909, when I made the investigation, I believe that there was not a sufficient number of schools to properly educate all the pupils on the reservation. A good many, however, went outside to the nonreservation schools—the more advanced pupils.

Q. Do you know what the maximum distance would be that any of the children would have to travel to get to the day schools?—A. Now, I couldn't say, but I think probably 2 or 3 miles, and in some cases maybe more.

Q. Do you know how the attorneys for the different bands or for the reservation Indians are paid? Who selects their attorney and how is it done?—A. The custom which is obtained on the White Earth, as I am informed, is that the Indians at a council meeting designated an attorney who should act for the tribe as a whole. The proceedings of that council meeting were certified to by the chairman and secretary, to the Indian agent, and the wishes of the Indians were stated there, that they wished to employ a certain attorney at a certain compensation, etc. These minutes were certified to by the Commissioner of Indian Affairs, with the recommendation by the Indian agent as to whether in his judgment it would be wise to allow the Indians to employ this attorney or another one

and they did have one such attorney in the person of Mr. Richardson heretofore employed.

Q. Mr. Richardson was formerly the secretary of Senator Clapp?—A. Yes; so I understand.

Q. Do you know how he happened to be dropped? I think he no longer represents the Indians.—A. Only this, Mr. Chairman, his term of employment, as I was informed, had expired—the two or three or four years he was employed for had expired—and he was not again reemployed. That is all I know.

Q. He is not now in the service of the Indians?—A. Not to my knowledge.

Mr. BURCH. I think I know the general custom, Mr. Chairman, and can inform the committee in regard to that, which is a little additional to Mr. Linnen's statements.

Mr. GRAHAM. You may state it, Judge, if you will.

Mr. BURCH. Of course, I am not on oath, and I do not know altogether about it, but the course usually adopted is for the attorney, that is, the proposed attorney, to apply to the Commissioner of Indian Affairs for leave to go upon the particular reservation in which he seeks to represent, and negotiate with the Indians for that purpose. If leave is not granted him he does not go; at least, it is futile for him to go. If he is allowed to go, he then goes, and holds councils, or treats with them in whatever way he thinks proper and they think proper, and the rest of it is as Mr. Linnen has stated. A form, a set contract, must always be approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. GRAHAM. Was that course taken in the selection of the attorneys in the case of the Mille Lacs against the United States?

Mr. BURCH. All except the approval. I understand there has no approval ever been acquired. I think it was stated here that Mr. Henderson had either to go on—Mr. Beaulieu so stated—there was a telegram from Washington.

Mr. GRAHAM. But as to his employment; how was he employed?

Mr. BEAULIEU. They made a contract with him the same as the other Chippewas did, but Mr. Edgerton didn't get that approval. The law was passed just about the time that he got his contract from the Mille Lacs.

Q. Mr. Linnen, I have in my hand an opinion of the court in the case of the Mille Lac Band of Chippewa Indians of the State of Minnesota against United States, about which there was some testimony offered at Minneapolis a few days ago, where judgment was rendered for seven hundred and sixty-four thousand odd dollars. Do you know of any other claims on the part of those Indian bands against the United States similar in character to this Mille Lac claim?—A. I could not state specifically, Mr. Chairman, but I believe there are other claims.

Q. In suit or not?—A. I would not be positive whether suits have been commenced. They are claiming for swamp lands and, I think, it may be on other matters.

Q. Do these Mille Lac Indians retain their tribal identity at White Earth? That is, have they councils separate from the other bands of Indians on the reservation?—A. Not to my knowledge, Mr. Chairman. I simply know that the Mille Lac removals——

Q. Well, they are not homogeneous with the other Indians on the reservation, are they?—A. They never desired to settle there, the majority of them; they come up there and get allotments and have homes built for them, and then they will return again to Mille Lac, in some instances selling their allotments for a mere nominal consideration.

Q. The funds of the White Earth Indians in the Treasury of the United States have been referred to in the testimony as being about four millions or more. Do the Mille Lacs have their equal share in that fund, do you know, or are their funds, if they have any, separate?—A. My understanding is that they would participate in the White Earth Chippewa funds.

Q. Those funds resulted largely from the sale of the lands which they occupied before going to White Earth and appurtenances to the land?—A. Lands and timber.

Q. Well, were they paid in any way by the Government to move from their former homes to White Earth?—A. Other than this payment of $40,000 for their improvements the treaty provided that they would be given an allotment, having houses built for them costing, I think, approximately $700; and they were to be furnished, I believe, with a team and wagon, certain household equipment, and to be rationed until they could become self-supporting. They were also to have some implements.

Q. When they came onto the White Earth Reservation and got those things, and then moved away, I suppose they retained them, did they?—A. In a very large number of instances they sold all their holdings before they left White Earth and returned to Mille Lac.

Q. Do you know of any misappropriation of money on White Earth, within your experience on the reservation, as an inspector, other than that of Miss Cook, of a substantial character, any considerable sum?—A. No; I do not.

Q. I think you said to Mr. Beaulieu that you did not exactly know what the custom or the law was with reference to furnishing coal, for instance, to employees on the agency. Is that so—have you no knowledge on that point?—A. Some of the regulations state that the employees shall be given certain quarters, furnished heat and light, and given a certain amount of furniture, and——

Mr. GEORGE. Is that in the regulations for White Earth?

A. Regulations for the Indian service. And generally the employees are housed in some headquarters that are electric lighted, furnished with heat and light and certain furniture. That will be found to be true up there now. Certain of the employees at the school have quarters lighted and heated. Others had houses outside where they lived, and they were being furnished with coal and certain other equipment, such as a little furniture, and it was believed that there was an injustice being done as between the school employees and the agency employees. If the school employees could have heated and lighted quarters, they believed that it was no more than right that the agency employees should have also. It had been the custom, as I say, to furnish coal up there, and not being quite clear as to whether or not it was the proper thing to do, whether the Government really intended that they should have fuel, I called the attention of the department to it, and they then made regulations governing that.

Q. What were they? Did they allow them coal or not?—A. Well, I believe not.

Q. How long since you were on the reservation, the first time?—A. The only time I was ever on the reservation was during the summer and fall of 1909.

Q. Well, then, the question I intended is not worth asking. I wanted to get from you your opinion as to whether the Indians had progressed or retrogressed from the time you were first there until you last saw them on the reservation?—A. Of course I couldn't say as to that, other than the information which I gathered when I made the investigation.

Q. You have already told us about the lands that had once been under cultivation, which are now going fallow without cultivation, and that in a general way conditions seem to be worse than they were years ago.—A. Yes, sir.

Q. So far as agriculture is concerned?—A. Yes, sir.

Q. The fact being that it seems that in early days more effort had been made to induce the Indian to cultivate his land, to till the soil, and as an inducement they offered the Indian an additional tract of 40 acres as an allotment for every 10 acres that he would clear and cultivate; and in that manner he obtained an additional 40 or 80, giving him a full 160. Now, then, those Indians who earned that extra allotment by their hard work in cultivating the soil, they were eliminated when the additional allotment was made. In other words, the hard work which they had done to acquire this additional 80 acres prevented them from coming in and getting the benefits of the additional allotment, or the benefits of the pine allotment, and so they felt that instead of being rewarded for their honest efforts, they were injured by them. The Indian who sat down and did no work got an additional allotment, possibly got some pine, and they got nothing for their work.

Examined by Mr. GEORGE:

Q. I don't remember whether you gave any testimony about iron ore upon White Earth. Do you remember whether there were any traces of iron ore on the reservation?—A. I heard it spoken of by Maj. Howard, that he had been informed there were certain indications of iron, and my recollection is that he stated that Mr. Gus Beaulieu had tried to induce him to go in with him in acquiring title to some of those lands. There was some talk to that effect.

Q. Do you remember where those lands were?—A. Yes; they were up pretty well toward the northern portion. I drove by up there, I know, with Mr. Howard, and he pointed out to me some of these lands which were supposed to contain iron ore.

Q. Do you remember what townships they were in?—A. I do not remember, but it was pretty well up in the north two tiers of townships, I should say.

Q. The northwestern?—A. About 22 to 25 miles northeast of White Earth.

Q. In various places in the township, in one township, or scattered through?—A. I could not say as to that, but when we drove along he pointed out that here was where it had been stated that there was iron ore.

Q. Did you get the impression that there was much iron ore?—A. Well, I didn't know. I thought it had been developed and not

prospected to a sufficient extent to determine whether or not there was any in paying quantity. I didn't attach very much importance to it.

Q. Did you hear anybody else speak of iron?—A. Yes; I did, incidentally. I heard some talk about it, but it did not impress me very much, and I didn't pay much attention to it.

Mr. GRAHAM. To what extent has iron ore been discovered and developed on the lands from which the Indians removed to White Earth Reservation?

A. I can not tell you very much about it, Mr. Chairman; I believe, though, that white settlers have come in there and are farming, tilling the land and improving it at Mille Lac.

Mr. GRAHAM. That is not quite my point. Some 10 bands of Indians were moved from other locations to White Earth. Some of those locations, I think, were north and east or eastward from the White Earth Reservation, and, as I understand it, in neighborhoods where iron ore has since been found in large and paying quantities. Have you any information as to whether the Indians now at White Earth formerly lived on land which has turned out to be valuable for the iron ore it contains?

A. I have no such information.

Mr. GRAHAM. One way or the other, you don't know?

A. No, sir.

Examined by Mr. BEAULIEU:

Q. You mentioned that Gus Beaulieu told somebody, I did not catch the name, about iron ore, and that he wanted him to go in with him, Gus Beaulieu.—A. Maj. Howard I mentioned in that connection.

Q. What did Maj. Howard say at that time?—A. Maj. Howard said in substance this: That he had a letter from Gus Beaulieu stating something about taking up, in connection with a man named Congdon, in Duluth, certain iron lands on the reservation, and urging him to be prompt about it——

Q. He said he had a letter to that effect?—A. Yes; a letter to that effect, from you I think he said, and I understand he still has it.

Q. Did you read the report of this committee, when it took the testimony of certain witnesses, including Maj. Howard, at Washington?—A. No, sir; I believe not.

Q. Did not Maj. Howard state in Washington—did you not hear at Washington that Gus Beaulieu had made propositions to him to go in with Ben Fairbanks and C. N. Congdon, in the iron-ore business on the White Earth Reservation?

Mr. BURCH. No; to purchase lands, my recollection is; but not iron ore.

A. I did not read the report; I am not informed as to that.

Q. Now, the chairman asked you if the lands from which the Indians were removed to go to White Earth did not have iron ore, and you said you did not know. Did you ever hear of Cayuna Range?—A. I do not remember any such name attached to a range.

Q. What have you heard of the ore that is being found near Brainerd, Minn.?—A. I have heard of the iron ore in northern Minnesota, northwest of Duluth.

Q. Have you not heard of the range down in Crow Wing County?—A. No.

Q. Which was formerly the reservation of the Chippewas?—A. I do not know as to that.

Mr. BURCH. Where Hole-in-the-day was killed?

Q. Yes. You stated that the Indians had one attorney, Mr. Richardson?—A. That was all I knew.

Q. You did not know that they had others?—A. I did not know that they had other tribal attorneys. Of course they did employ these people down at St. Cloud, in one instance, and they had an attorney in Washington at another time, and I presume they had other attorneys at different times.

Q. You have stated that there was less than a half dozen Indians on the reservation who were competent—full bloods?—A. I said in my judgment.

Q. Do you know Julius Brown?—A. Yes, sir.

Q. Do you consider him competent?—A. No, sir. I consider him wholly incompetent.

Q. Why?—A. Because he is a drinker, and wholly unreliable and irresponsible.

Q. That is simply your judgment?—A. That is what you asked for, Mr. Beaulieu.

Q. Well, his judgment, yes.—A. That was proven to my entire satisfaction.

Q. Do you know John Coleman, formerly an Indian minister?—A. I don't recall him.

Q. You read his affidavit here?—A. Yes; but I can't place him now.

Q. Then you don't know whether he is competent or not?—A. No.

Q. Do you know Ben Caswell?—A. I don't recall him. I remember the name.

Q. Well, he is the superintendent of the Indian boarding school at Cass Lake; he is a member, of course, of that reservation.—A. I think I never met him.

Q. Well, then, you don't know whether he is competent or not?—A. Certainly not, if I don't know him.

Q. Do you know Mauche ge-ge-shig, or James Rock?—A. Yes.

Q. Do you consider him competent?—A. He impressed me as being a very bright young man.

Q. Do you know Rev. Winfield Smith?—A. Yes.

Q. Do you consider him competent?—A. I do not know that I know the gentleman well enough to be able to form a decided opinion.

Q. Do you know Rev. Fred Smith?—A. Yes; I met him.

Q. Do you regard him as a competent man?—A. Is he the one who lives farthest north? There is one at Pine Point and one farther north.

Q. This is the one now at Red Lake, but he belongs to White Earth.—A. Well, he struck me as being quite an intelligent man.

Q. Do you know Muck-in-bwa-we-nin-nee, the man from whom you got the affidavit?—A. I have not any distinct recollection of that now; if he was brought before me, I would probably know him.

Q. You testified that he was not a mixed blood, and I know that he was reported as a competent full blood, a man who is considered well off. That is, he is well off for an Indian, and I simply wanted to know if you knew him and knew if he was competent.—A. I don't remember him.

Q. Do you know Mah-dash?—A. I don't recall him.

Q. He is an educated man and has always looked after himself, and Mr. Leupp told us that any man that was self-supporting and did not rely upon the Government at all was competent, in his opinion. Do you know Mrs. Superior?—A. No, sir; I don't remember.

Q. Do you know Tom Smith?—A. I don't remember.

Q. I have read a number of names, about 13 or 14, that were full bloods, and you don't know but a very few. They are all regarded as competent people——

Mr. GEORGE. Regarded by whom as competent?

Mr. BEAULIEU. By everybody upon the reservation, because they are self-supporting, and they can get along as well, or maybe a little better, than the white man. Of course, they must be competent if they can take care of themselves.

Mr. GRAHAM. They get annuity payments, don't they, the same as the others?

Mr. BEAULIEU. Yes; but I get an annuity payment, and I am competent to take care of myself, I believe. How many of the reservation people are self-supporting?

A. Oh, I can not say that; very few.

Q. A very few?—A. Very few of the Indians.

Q. Well, there are 6,000 Indians upon the reservation. How many of them are self-supporting?

A. Well, that would be awfully hard to say; quite a percentage of intelligent mixed bloods there who are self-supporting, of course.

Q. How much assistance do the Indians get upon the reservation; those that you probably regard as self-supporting?—A. Well, they have been getting very little assistance of late outside of the annuity payment, which is very small. Rations have been issued to the poor, old people, the dependent people, and on other occasions there have been rations issued to a great many at various times.

Q. You know that to be a fact, do you?—A. I know that during the period I was there there were a good many rations issued.

Q. There is no doubt about the period you were there, that a great many received rations who could have gone to work and earned their living?—A. Yes; that is possibly true; but when we brought in a witness before us and took up his time, I know we felt that we ought at least to give him his dinner, and so we did that. Aside from that there is a Poor Folks' Home there, where they take care of as many as they can, and then they have a hospital there to look after a few people, and they have doctors and others that, with the funds allowed by the department, they do all they can do. The trouble is that the funds are not placed at the disposal of the proper authorities, so that they can help the poor, dependent people there, who really need the help.

Q. What has the department been doing with the $150,000 a year that Congress has been appropriating for the Chippewas?

Mr. GRAHAM. Mr. Linnen has not stated that that was the amount, Mr. Beaulieu.

Mr. BEAULIEU. I am asking him if he knows.

Mr. GRAHAM. You are assuming that to be the amount and he does not know whether it is or not, he has testified.

Mr. BEAULIEU. Of course I am asking leading questions. You said at Minneapolis that you would allow a great deal of latitude because of what Mr. Burch has done.

Mr. GRAHAM. Have not I kept my word?

Mr. BEAULIEU. Yes; and I wanted to expedite matters by asking these leading questions.

Mr. GRAHAM. Very well.

WITNESS. Well, I will tell you, Mr. Beaulieu, just how much it is I can not say; but so far as I know the money is spent in about this way: First, they pay for the conduct of the agency and the property, the payment of the salaries of the superintendent and the employees. The number of employees they have varies at different times. There are doctors, teacher, principals at the day schools, day school teachers, possibly a field matron, and some one to look after the hospital and the Old Folks Home, and they have to have a sufficient number of employees to conduct properly the three boarding schools and the five or six day schools, five doctors, the hospital, and incidentally a few people who are laborers, farmers, and things of that kind. Those expenses are all paid, the conducting of these schools and the conducting of the agency. Then there is a certain amount of money used in the purchase of provisions, of course, for these day and boarding schools and the home, and to give rations to these poor, old, helpless, dependent people, and the moneys, so far as they are appropriated and authorized to be expended, are being expended for the purposes for which the department wishes they shall be.

Q. In your investigation at White Earth did you find that these moneys had been authorized to be expended by the department and expended in conformity with the rules of the department?—A. Yes. I omitted one thing. They have a little sawmill there, where they saw lumber and construct these houses for the Mille Lac Indians that are removed and to build bridges, and so on. Then, of course, incidental to all that they have to buy wood and coal and hay and oats, and everything else for all these various places and pay for the transportation and hauling in of these supplies.

Q. Do you know how much of the Chippewa funds, in addition to the $150,000, they are spending among the Chippewas?—A. I do not.

Q. Do you know under what law they are paying the superintendent of logging for logging operations at Leech Lake and Cass Lake?—A. I do not.

Q. You say the superintendents are also paid. Do you mean the superintendents of the agency?—A. I mean the superintendent of the White Earth Agency, yes.

Q. Is he paid from the $150,000 of Chippewa funds?—A. I would not be sure as to that. It may be there is a general appropriation to pay the agency employees and the superintendent. I am not sure.

Q. Well, the appropriation for the agent's salary is a separate appropriation. I did not know whether they had been paying that. You are simply guessing that they are paid from the Chippewa tribal funds?—A. At the time I was up there I checked up all the books and accounts in that office, and all the authorities for the expenditure of money, and I found out that the moneys were being expended under the authorities granted by the department, and the salaries were being paid in accordance with the authorization by the department, and each fund spoke for itself. It was being paid out of the proper

fund by appropriation, which I checked up at the time, and it is shown by the books. In other words, the moneys are being used in accordance with the appropriation, and in accordance with the regulations of the department, the authorizations of the department.

Q. Yes; but you say the superintendent is paid by the Chippewa funds?—A. I did not so state; he may be and he may not be.

Mr. GRAHAM. He said he did not know.

WITNESS. He may be paid out of the regular appropriation to pay superintendents.

Mr. GRAHAM. Are you sure of that Mr. Linnen?

WITNESS. I don't know.

Mr. BURCH. Just one moment. This Julius Brown, described as being wholly incompetent in your opinion: Is that the same Julius Brown you have testified about as the secretary of the caravan council, this spring wagon council?

The WITNESS. I believe that is the same Julius Brown.

Mr. BURCH. Yes. That is all.

Q. I am reminded of one matter you testified to here. You say that where the Indians improved the 10 acres of land they received 40, and so on, until they had received 160 acres. How many foolbloods received 160 acres of land on the reservation under that provision?—A. I do not know, sir; I could not state.

Q. Do you know how many persons received 160 acres under that same law?—A. No; I do not. My understanding was that there were certain ones who did and that they were thrown out of further additional allotments.

Q. Can you state that there were more than 20?—A. I would not state. There might be more than a hundred for all I know.

Q. You would not say there were more than a hundred?—A. I really don't know.

Mr. GRAHAM. There is not much use in pursuing that matter, is there?

Mr. BEAULIEU. I want to get at the facts.

Mr. GRAHAM. But when he does not know and says he does not know?

Mr. BEAULIEU. I want to get it into the record, so it will show his conclusions.

Mr. BURCH. Mr. Linnen, I hope you will immediately pick out the affidavits relative to these various dealers in lands, so that they may be notified—get them all ready.

Mr. LINNEN. I have a few picked out now that I can give you the names and numbers.

Mr. DENNIS. I would like the names of those affiants, if he is going to read them, so that we may send out and get the witnesses.

Mr. GRAHAM. This will be in the nature of a notice?

Mr. DENNIS. Yes.

Mr. BURCH. I think it is due to these parties that they should have the whole matter at the earliest possible moment; therefore we will put it in now, if he has it ready. Go ahead, Mr. Linnen.

Mr. LINNEN. Do you want the names of the people whom the affidavits affect, and the affidavit? I can read simply the number of the affidavit, and I can refer directly to each affidavit and give the name of the party making it.

Mr. BURCH. Very well, go ahead; let us see what you have.

Mr. BEAULIEU. Would not it expedite matters to do as I did, go with Mr. Linnen and read them over separately, without having him read all of them?

Mr. GRAHAM. There are quite a number of parties here, representing those who are interested. I think they could get it quicker by his reading it; they can catch it as he reads.

Mr. LINNEN. Shall I read the affidavits?

Mr. GRAHAM. Just now, Mr. Linnen, we want notice to the gentlemen, Mr. Dennis and others, who want to know whether their clients are interested, and we want to give them such notice as will tell them what they want to know. You may now read the number of the affidavit, the name of the party making it, and the name of the party affected.

Mr. LINNEN. Affidavit No. 10, Ah-go-yaush; affecting Mr. Cooper. Affidavit No. 101, by Tay-dah-cum-e-ge-shig; also affecting Mr. Cooper. Affidavit No. 445, Shaw-win-e-be-nais; affecting Mr. Cooper. Affidavit No. 382, Oge-way-aush-e-quay; affecting Mr. B. F. Wright. Affidavit No. 38, David Bellanger; affecting B. F. Wright. Affidavit No. 416, Pe-nay-see; affecting B. F. Wright. Affidavit No. 456, Shah-gah-ge-wa-ge-shig-o-quay; affecting Mr. Wright. Affidavit No. 283, Mah-je-de-wun; affecting Mr. Wright. No. 7, Ah-bid-aus-in-o-quay; affecting L. S. Waller. Affidavit No. 15, Ah-dwan-e-ge-shig-o-quay; affecting L. S. Waller. Affidavit No. 41, Ay-ne-mah-sung; affecting L. S. Waller. Affidavit No. 50, Be-shew; affecting L. S. Waller and M. J. Kolb. Affidavit No. 52, Pay-she-que-we-daince; affecting L. S. Waller. Affidavit No. 61, O-pah-be-dub-e-queng; affecting L. S. Waller. Affidavit No. 71, Pe-daun-ah-quod; affecting L. S. Waller.

Mr. BURCH. I don't know whether we ought to go through the whole list affecting Mr. Waller. How many is that?

Mr. LINNEN. There are a great many more here. We will pick out Mr. Kolb, then.

Affidavit No. 11, Ah-kay-kung; affecting M. J. Kolb. Affidavit No. 78, affecting Mr. Kolb, Buh-quod-je-e-neece, William Bissette. Another one about Mr. Kolb is No. 286, O-dub-us-e-de-nais. Affidavit No. 100, Mah-je-ge-wun, Kolb. No. 117, De-Kaince, or Mrs. W. Rogers. No. 147, Charles Potter, or Ge-dah-nah, affecting John W. Carl. 190, Kah-de-gay-aush. No. 223, the name given is Mary Ann Last; the allottee is Mary Ann; this affects E. G. Holmes. Also affidavit No. 19, Aush-je-buge-co-zhay. No. 22, Ay-go-ge-dinais. No. 23, affecting Holmes, Ah-woun-ah-quod-oke. No. 27 is the same as 37, Aysh-quay-be-tung. Affidavit No. 384, Obe-ne-ge-shig-o-quay, or Mrs. Louis Roberts, affecting Mr. Holmes. Affidavit No. 110, Pay-bus-o-beak; affecting E. G. Holmes.

Mr. GRAHAM. Mr. Dennis, you spoke to me about some witnesses living in Mahnomen, who would like to go home on the evening train and return in the morning.

Mr. DENNIS. They are not witnesses; they are parties interested.

Mr. GRAHAM. Well, there is no reason in the world why they can not go as they wish, and if they are not here in the morning we will get along until they come.

Mr. DENNIS. It is now 5 minutes to 4, and I would like to settle the question before any of them go away. Mr. Linnen will be busy for more than 15 or 20 minutes more?

Mr. LINNEN. Yes; if you want the names of these people.

Mr. DENNIS. That being the case, Mr. Chairman, I would like to make an inquiry as to whether or not Mr. Burch, in reading in these affidavits, will be limited to the ones with the names we are getting now, or whether he will be at liberty to read in all the affidavits against the parties mentioned?

Mr. GRAHAM. The statement was made that he would confine himself to these affidavits, and that the parties against whom they were directed could see the rest and use them if they chose, and that he would be limited to the reading of six in each case.

Mr. BURCH. You can put in any you want to.

Mr. DENNIS. But the others won't be noticed at all?

Mr. BURCH. No; six is enough. I shall not use more than six in each case.

Mr. DENNIS. Then, if that is it, I would like to ask the clerk to hand the list given by Mr. Linnen to whomsoever issues the subpœnas and have the sergeant at arms subpœna these Indians and bring them in. It is a long distance and it may take a week to get them.

Mr. GRAHAM. I would suggest that, if it does, we would save time at the beginning by not sending for them.

Mr. DENNIS. The purpose of it is to show by the Indians that they were induced by Mr. Linnen to make the affidavits and that they did not know what they were making in each individual case, and we ought to have an opportunity to show it.

Mr. GRAHAM. Proceed, Mr. Linnen.

Mr. LINNEN. Affidavit No. 85, Bay-bah-mah-ge-wabe against E. G. Holmes. Now, the Saunders——

Mr. BURCH. I will ask you if there are not two or three Saunderses here or at Mahnomen?

Mr. LINNEN. Yes; we will take the ones affecting Levi Saunders first. No. 251, Me-zhe-kee-bin-may-seek, affecting Levi Saunders. No. 305, May-gway-bay-anais, in relation to Charles Saunders, Mahnomen. No. 322, affidavit of Ne-zho-dain, or Mrs. Tom Mason, against Fred Saunders and Mr. Holmes.

No. 425, Nah-gah-aush, against Fred Saunders; the affiant known also as Peter Reese.

No. 280, Mah-ne-do-mah-doonce, against Fred Saunders.

No. 328, Mah-te-ne-gah-bow-e-quay, against Fred Saunders.

No. 45. Ah-be-co-e-ne-neece, against Peter Glaum.

No. 65, Lizzie Porter, Te-dick, against Fargo and Baker of Ogema.

No. 81, Pah-day-dug-waus-e-gay, against E. W. Davis and Holmes.

Affidavit No. 268, James Bassett, May-zhuc-e-gwon-abe, against A. S. King.

No. 393, Oge-konce, against Simon Michelet and C. N. Johnstone.

No. 209, Affidavit of Kay-zhe-way-be-dung, and implicates Fred Saunders and E. G. Holmes and W. B. Carman; I understand Mr. Carman's initials are W. B.

No. 117, E-nee-ne-gain, against W. B. Carman.

No. 122, E-quay-zaince-ish, against Mrs. Hodder, E. W. Davis, and Carman, Fred Saunders, A. S. King, First National Bank of Detroit.

Affidavit No. 375, Way-jone-ne-dwon, against George Hamilton, E. G. Holmes, W. B. Carman, and Peter Schroeder, and other people mentioned in the affidavit, also.

Affidavit No. 91, Pe-tow-e-ge-shig-o-quay, implicating Mr. Whipple.

Affidavit No. 106, Po-de-wais, implicating P. S. Converse.

No. 44, Ah-gwe-d-w-e-ge-shig, implicating Mr. Nave, of Detroit. Also, George Hamilton, E. W. Davis. George Fox, interpreter. Also, Mr. Hanson and W. B. Carman.

No. 307 (303), Mum-may-we-quay, implicates one Nels Nelson; also mentions Gus Beaulieu and Ben Fairbanks, and others.

No. 118, E-quay-zaince, implicates M. J. Kolb, L. S. Waller, Mr. Kaiser, in a bank at Bagley, and Mr. McGlennon; also L. S. Waller and E. G. Holmes.

No. 273, May-dwanah-cash-eak, and implicates Mr. Nave; George Fox, interpreter.

No. 274, May-shkah-wub-equng, or John W. Rock, implicates Fred Saunders, Detroit; Charlie Morrison, interpreter.

No. 278, Mud-way-co-zhe, First National Bank of Park Rapids, Minn.

No. 279, Solomon or John Sailor, Mosh-kin-may-be-tung, implicates W. R. B. Smith, banker, John L. Smith, and Mrs. Frank Hodder, and Frank Hodder.

No. 286, Mah-je-je-wun, implicates M. J. Kolb, Raymond Perrault, and David Peak; Sam Smith, interpreter.

No. 301, May-mow-e-gwon-a-be-quay, implicates G. K. Fargo, of Ogema.

No. 302, Mah-gah-nub, implicates one Allen Olson, of Lengby, also M. J. Kolb.

No. 314, Ne-zah-bain, or Idabel Chesley, implicates Louis Lohn, John Vieg. They live at Fosston, I think.

No. 326, Nay-tah-waush, implicates Frank and Mrs. Frank Hodder, and J. T. Van Meter.

No. 327, Ne-zhe-cay-we-gah-dow, implicates J. T. Van Meter.

No. 329, May-tow-be-buay, implicates George Halimton, E. G. Holmes, and others.

No. 331, Nah-way-quay-p-say, implicates Fred Saunders, Mrs. Frank Hodder; Frank Smith, interpreter.

No. 348, Osh-kin-owe, or Fred Jackson, implicates Gus Beaulieu, Mr. Fargo, of Ogema, Banker Waller.

Mr. LINNEN. I will say this, Mr. Chairman, we did not have an opportunity to examine all these affidavits and pick out the names from them.

Mr. BURCH. I would suggest that we be permitted to let this go now until morning, for we certainly have enough to keep the committee busy two or three weeks, and I think we can give out some of the others in the morning. Meantime, I have two or three witnesses I would like to put on the stand.

Mr. GRAHAM. Very well, which is the first witness?

Mr. BURCH. We will now withdraw, Mr. Linnen, and I will call Peter Blair. Miss Warren says Mr. Blair understands English, but he does not speak it.

Mr. GRAHAM. Well, does he understand it well enough to be sworn in English?

Miss WARREN. He does not think he would understand you very well.

PETER BLAIR, sworn through interpreter, testified (Miss Margaret Warren acting as interpreter).

Examined by Mr. BURCH:

Q. What is your name?—A. Peter Blair.

Q. How old are you?—A. I think I was 26 last fall.

Q. Where do you live?—A. I am staying with my sister at White Earth. I have no home.

Q. What is your sister's name?—A. Her name is Mrs. Lucy Fairbanks.

Q. Are you a mixed blood of the White Earth Chippewa?—A. That is what I know. I am a mixed blood.

Q. Did you have an allotment or more than one?—A. I had two allotments.

Q. Original and additional?—A. Yes; two allotments.

Q. How long have you been blind?—A. Eighteen years.

Q. Have you sold either of your allotments?—A. I have sold two; one I got paid for, the other I did not.

Q. Which was it that you sold to Flammand?—A. My additional allotment.

Q. When did you get acquainted with Joe Flammand?—A. I have known him for a long time. My mother was related to him—a little.

Q. Is he the one that bought your additional allotment?—A. Yes.

Q. When did he first talk about it?—A. He came to White Earth and asked me to buy my land from me.

Q. How much did he offer for it?—A. $300 he promised me.

Q. Was it three hundred or three hundred and fifty dollars?—A. He promised to give me $300 and was going to take me down to the cities to have my eyes treated, and I let my land go on the promise of $300.

Q. Whom did you go to with the land to have the papers made?—A. John Leecy.

Q. Did Leecy make out the papers?—A. Leecy made the papers.

Q. Is he the one who keeps a store there?—A. Yes; that is the one.

Q. Was he interested in any manner in the deal, or just made out the papers for accommodation?—A. No; he helped me in this deal; it was of no interest to him.

Q. Did you execute a deed and deliver it to Flammand?—A. When he bought the land from me?

Q. Yes.—A. Yes; I made papers out and gave it to him. He paid me $50. Then he was going to pay me $250.

Q. Do you mean that he paid you or gave you a check on the bank?—A. He gave me a check.

Q. For $50?—A. Yes; for $50.

Q. Do you know what bank it was?—A. It would be exchange in the Mahnomen Bank.

Q. Do you remember if it was the Security State Bank?—A. He didn't tell me what bank it was.

Q. Who gave you the check—did he give it to Mr. Leecy and Mr. Leecy give it to you?—A. He gave it to me.

Q. But in Mr. Leecy's presence?—A. He later came to my house and gave it to me when Mr. Leecy was present at my sister's house.

Q. What did you do with the check?—A. I gave it to an inspector who was accompanying the pay party.

Q. Was it Mr. Hinton?—A. I think it was. He told me he was from Washington.

Q. Did you, before you gave it to this Washington inspector, try to collect the check in any way?—A. I didn't try to exchange that, but waited for the promise of this money he was going to give me.

Q. Why didn't you try to collect it?—A. I didn't know what to do about it.

Q. Didn't some of your friends tell you this man had no money there?—A. As I am unable to go about, I don't see anyone and neither do they call on me, so I have not talked with anyone about it.

Q. When did you get this—have you ever seen this check, the check that you gave the inspector?—A. Mr. Hinton promised to take care of the paper for me. He said he wanted to use it.

Q. Did you ever get the other $250?—A. No; I never got it.

Q. Didn't Flammand come at all after he——A. He never called again at the house, but I went to Mahnomen to see him and he told me to wait a little while longer for him; that he would pay me. And I waited for him.

Q. This was years ago?—A. It was two years since, last summer, that I asked him last.

Q. And you have never received any money?—A. No; I never received any money.

Q. That is all.

Miss WARREN. He wants to tell you a little more.

Q. All right; anything that you want to say.—A. When he didn't pay me I wrote him to pay me, and I promised that I would return the money to him if he would give me back my land, and he told me that he would return the land, because he could not make $400 on the sale.

Q. Did he return the land?—A. No.

Q. That is all.

Examined by Mr. GRAHAM:

Q. Are you entirely blind?—A. No. I don't see where I go.

Q. Can you tell the difference between day and night?—A. Yes; I can see the light in the day.

Q. Do you know how to do any kind of work?—A. Yes; a little.

Q. What?—A. I can saw wood and bring in wood.

Q. What caused you to be blind?—A. I was too small to remember what the cause was; I only know I had sore eyes.

Q. When was it you made those deeds?—A. The one I sold to Flammand?

Q. Yes.—A. I believe it is about three years beginning in this month.

Mr. BURCH. February 1, the check was dated.

Q. You were of age at the time you signed them?—A. Yes; I guess so.

Q. Was your father then living?—A. No; he died long ago.

Q. Have you any relatives to advise you and aid you in doing business?—A. Yes; I have relatives, but I guess they don't know what to do themselves.

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

TUESDAY, FEBRUARY 6, 1912.

Mr. BURCH. Mr. Hinton, take the stand.

Mr. HINTON was sworn by the chairman and testified as follows:

Examination by Mr. BURCH:

Q. Were you present in court yesterday, when the witness, Peter Blair, was sworn?—A. Not when he was sworn, but I came in soon afterwards.

Q. When he was testifying?—A. Yes, sir.

Q. Are you the official who looked up and reported his case to me?—A. I am.

Q. When did you first learn of this case?—A. The latter part of November, 1910.

Q. From whom?—A. I was at the White Earth Agency in November, 1910, and I received a note from John Leecy, a merchant of that village, expressing the opinion that Peter Blair, the blind boy, had been defrauded of 80 acres of land by Joe Flammand, of Mahnomen. That note was accompanied by a check, in amount $50, dated February 1, 1909, drawn by Joe Flammand, on the Security State Bank of Mahnomen. It was also accompanied by a letter addressed to John Leecy, White Earth, Minn., dated November 10, 1910, signed by W. J. Daly. Mr. Daly lives at Perham, Minn., as I understand it.

Q. In connection with your testimony, will you read that check into the record?—A. Yes, sir. "Mahnomen, Minn., February 1st, 1909. The Security State Bank of Mahnomen, Minn. Pay to Peter Blair"—it is spelled here Blear "or order, fifty dollars ($50.00). (Signed) Joe Flammand." Shall I go on and tell?

Q. Yes, you may just say what you did—tell what you did.—A. I immediately sent for the blind boy, and heard his story regarding this matter. He stated to me that Joe Flammand came to him to buy his additional allotment, consisting of 80 acres of land; that Flammand promised to pay him; that Flammand promised to pay him $300. He gave him a check, as indicated, and also promised to take him to one of the cities, as I understood, either St. Paul or Minneapolis, for the purpose of having his eyes treated. Flammand procured a warranty deed for this tract of land, according to the statement then made by Blair.

Q. Go right ahead, now.—A. I asked Peter Blair if he had been paid in full for this land. He said he had not. I will explain that I talked to him through an interpreter at that time, and I asked him if he had presented this check to the Security State Bank of Mahnomen for payment. He said he had not. I asked him why. Well, he said he understood that Joe Flammand had no funds in the bank. I addressed a letter to Joe Flammand at Mahnomen, Minn., and told him

to come and see me about this matter, that I would like to have it fixed up. He replied—I have his letter here, under date of November 25, 1910,—acknowledging that he had bought the land, and said he would try to fix it up, etc. Then, to satisfy myself in regard to the funds, I went to the Security State Bank at Mahnomen, and had a consultation with Mr. A. L. Thompson, the cashier of that bank. I asked him if he would give me a statement as to the account of Mr. Flammand at that time, for a short time previous to February 1, 1909, and a short time thereafter, so as to see whether Joe Flammand had any funds there, and whether the statements made by the blind boy, regarding his having no funds was true. Mr. Thompson very kindly said he would look over his books, and give me a statement. He did so. I have it. It extends from December 19, 1908, when there was no balance. The balances were indicated in it, and it runs to March 22, 1909, and no balance.

Q. I don't believe we need that whole statement. If Mr. Thompson told you there were no funds, that is all we need.—A. At times this shows he was overchecked, and at one time he had as much as $39 in the bank.

Q. At the time he drew the check what was the condition?—A. It was overdrawn.

Mr. GRAHAM. Can you give us the fact as to his general line of credit at the bank?

Mr. BURCH:

Q. Just read the account into the record, and we will go along with it, because that probably will be the quickest way. Just read it into the record.—A. Joe Flammand, dated certain headings here, checks in detail. Total checks deposited Balance, December 19, 1908, under heading "Total checks deposited," one; balance, nothing; December 29, total checks, $240; deposit, $240; balance, none——

Mr. GRAHAM. I doubt very much if that is worth going into. The fact I want to get at is one that could not be deduced from the statement in the record. If Mr. Carnegie drew on the bank here and they knew the check was genuine, although he had no funds, it would probably be cashed. Was this man in the habit of overdrawing, and did the bank give him a line of credit and cash his checks whether he had money or not?

A. I asked Mr. Thompson whether the check would have been cashed if presented within a reasonable time. He said he didn't know exactly whether it would at that time. Afterwards, in January, 1911, I received a letter from him, stating that he had seen Joe Flammand several times about this matter and desired him to make a settlement, and he had promised to get the money to pay Peter Blair. And in this letter our books show that the check for $50 would have been paid if it had been presented within a reasonable time after execution. Flammand says, "If you will have the check indorsed by Blair and send here for collection, I will pay it."

Mr. GRAHAM. What was the greatest balance he had during the period covered by this statement?

A. $39. That was on February 15, 1909.

Mr. GRAHAM. Does it show overdrafts?

A. It shows an overdraft of $10 on January 30, 1909.

Mr. GRAHAM. Is that the largest overdraft it shows?

A. $17 is the largest overdraft shown, which is February 8, 1909.

Mr. BURCH:

Q. The check was dated February 1, wasn't it?—A. Yes, sir. Now, I should like to explain it. In view of the fact that this was a pitiful case, that the party hadn't received anything for his land, I asked him if he would not endeavor to straighten it out.

Q. Have you told about the land being conveyed to Mr. Thompson? A. Well, I had had it abstracted.

Q. Well, that is what you want to tell first.—A. I requested Mr. King, who was then abstracting titles for the Department of Justice, to make an abstract of this, and he did so. The abstract shows that a trust patent was issued to Peter Blair for his additional allotment, No. 1000, covering the E. ½ SE. ¼ sec. 1, T. 145, R. 38; also that a warranty deed was executed by Peter Blair, single, to Joseph Flammand. This deed is dated February 1, 1909, and filed for record February 2, 1909, in Deed Book 15, page 158, consideration $300, conveying the land described. The next part of the abstract shows that warranty deed was made by Joe Flammand and Fannie Flammand, his wife, to A. L. Thompson. The deed is dated February 15, 1909; filed February 16, 1909; Deed Book 15, page 169; consideration, $400, and conveys land in the patent.

Mr. GRAHAM. The trust patent?

A. The trust patent.

Q. Is that the foundation of his title?

Mr. BURCH. Surely.

A. The approved schedule of allotment is usually the first, and the patent is issued after the schedule is approved.

Mr. GRAHAM. But, isn't the phrase "trust patent" a contradiction of terms?

Mr. BURCH. It is a mere paper.

Mr. GRAHAM. A trust patent is no patent.

Mr. BURCH. But Mr. Chairman, the Clapp rider of 1906, conveys, purports to convey, to adult mixed bloods the land in fee simple, with or without patents. Patents were entirely unnecessary.

Mr. GRAHAM. The act then, was the substitute for the patent.

Mr. BURCH. It declares the trust patents as having the effect of fee patents in those cases. So that part is all straight.

Q. Go on.

A. I said to Mr. Thompson that this was a pitiful case, and if he could see this blind boy and hear his story, that I believed that he would settle; that he would endeavor to get the money from Joe Flammand by some means, and I suggested to him, or asked first, if Joe Flammand had any property. He said he had a little house and lot in Mahnomen. I said, "Why not take a mortgage on it and get the money to pay the blind boy?" "Well," he says, "it is already covered by a mortgage." Well, I suggested a second mortgage, if it was worth it, and I understood it was not.

Mr. GRAHAM. You understood it was not what?

A. That the first mortgage covered practically the full value of the land, and that a second mortgage would be worthless. Then I asked Mr. Thompson to reconvey, to quitclaim, the land to the boy; that doubtless it was worth more than $400. He said the land was situated in Clearwater County, that he had never seen it, but that when the weather became warmer he would drive up there, or ride up, and see the land, and if it was a good tract of land and would

make a good farm in connection with another tract that he had in that vicinity near by, and perhaps adjacent, why, then he would pay the boy the money, and if it proved to be a worthless tract of land, he would quitclaim back to the boy. On April 4, 1911, Mr. Thompson wrote me that he hadn't gone up there yet for that purpose. On the 24th of that month I requested him, as the weather had become pleasant, that he visit the land, view it, and make an effort to settle the matter either by quitclaim or paying so much. He talked very fairly about it too, and in a very friendly way. But nothing has been done, so far as I know. That is the whole story.

Mr. GRAHAM. Well, do I understand you to state as a fact that Flammand had no other property than this house and lot, which was mortgaged to practically its full value?

A. I was so informed. I don't know anything about it absolutely myself. I should like to read this letter that accompanied the note of Mr. Leecy into the record.

Q. Why should it go in?

(Mr. Hinton hands paper to chairman.)

Mr. GRAHAM:

Q. The writer of this letter was at one time Mr. Flammand's attorney?—A. I so understand.

Q. And defended him in some criminal matters?—A. Yes, sir.

Q. There are statements in the letter which reflect on the character and reputation of Mr. Flammand, and even though he was at one time his attorney I do not think they should go into the record.

Mr. DENNIS. Mr. Flammand, being a citizen of the United States and a mixed-blood Indian, would be under the jurisdiction of our State courts for prosecution, as I understand it.

Mr. BURCH. He ought to be.

The WITNESS. I think so.

Mr. DENNIS. I would like to inquire whether or not since this fraud has come into your hands, whether you have ever referred it to the county attorney of Mahnomen County?

A. I have.

Q. What was the action?—A. No action was taken.

Q. He refused to present it to the grand jury?—A. Well, I wouldn't say that.

Q. Was he indicted?—A. No, sir. He wasn't indicted.

Q. Have you had any correspondence with the county attorney?—A. No, sir; my interviews were personal.

Q. What was the outcome of the effort? The statute of limitations has now run. He ought to have been prosecuted. Everybody believes that.

Mr. BURCH. I think so.

Mr. DENNIS. The check being given February 1, 1909, the three years have run. He has escaped. It seems to me he should have been prosecuted before the statute had run.

A. That was not the reason assigned to me when I talked with him last fall.

Q. Mr. Van Meter, do you mean?—A. No, sir; Mr. Jensen.

Q. Yes.—A. This alleged crime—this transaction—took place in Becker County.

Q. I understand.

Mr. BURCH. Wasn't it uttered in Mahnomen County?

A. No, sir; it was uttered in Leecy's store.

Q. Wasn't the check on a Mahnomen County Bank?

Mr. GRAHAM. Well, if you want it for information, we will pass on and not take up the time. If you want it in the record, it is different.

Mr. BURCH. I will put it in the record.

Q. Did you see the prosecuting attorney of Mahnomen County too?—A. I don't think I talked to him about this case. I may have incidentally on other matters.

Mr. BURCH. That is all we want with the witness.

Mr. BEAULIEU. Can we examine the witness on some other matter?

Mr. GRAHAM. He will be here to answer your call.

Mr. BURCH. He will be here at all times.

Mr. GRAHAM. Yes. If he is not here, we will bring him here.

CHARLES BOTTINEAU, sworn by the chairman, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your full name?—A. My name is Charles Bottineau.

Q. Where do you live, Mr. Bottineau?—A. Well, I am living at White Earth at the present time,

Q. How long have you lived there?—A. Well, I have been there just about a year, a little over a year since I moved into White Earth.

Q. What are you doing there?—A. Well, I am not doing anything. I am located at the old folks' house now.

Q. At the old folks' home?—A. Yes, sir.

Q. Are you a mixed blood?—A. Yes, sir.

Q. You have a right to live in that old folks' home, have you?—A. Yes, sir.

Q. How much Indian blood is there in you?—A. One-half.

Q. It is singular that you should have such a heavy beard, with half Indian blood; is that usual?—A. Yes, sir.

Q. Where did you live before you went to the home?—A. I was living 5 miles straight southwest of Mahnomen.

Q. What were you doing there?—A. Well, I was doing a little bit of farming there.

Q. Did you own land?—A. Yes, sir.

Q. You got two allotments, did you?—A. Yes, sir; I got one and my wife got one.

Q. How much land did you farm?—A. Oh, not much; of course I wasn't able to.

Q. About how much?—A. About 20 acres; just what I could handle.

Q. Did you do the work yourself?—A. Well, not always. I had a boy I raised, and he done the work for me.

Q. Have you any family now?—A. No, sir.

Q. Are you alone in the world?—A. Just alone with my wife.

Q. Where is she living?—A. She is living at the old folks' home.

Q. Do they keep men and women at the home?—A. Yes, sir.

Q. Are the husband and wife allowed to live together there at the home?—A. Well, I suppose so.

Q. Well, you ought to know.—A. Well, they keep us there, anyway.

Q. What is your age?—A. My age? I was 75 years of age this—well, I am just going on 75 years of age; the 9th of January I will be 75.

Q. Is there any work for men like you to do at the home in the way of choring?—A. I am taking in a little bit of wood, just like that.

Q. In the summer time do you make garden?—A. No.

Q. You don't care much about it?—A. I aint been there only since last fall.

Mr. GRAHAM. That is all I care to ask him.

Mr. BURCH:

Q. Did you sell any land at any time to anybody?—A. Yes, sir.

Q. To whom?—A. Mr. Levi Sanders and Charley Sanders.

Q. Was it a part of your Government allotment?—A. Well, I couldn't tell you the description of it.

Q. Was it one of your Government allotments?—A. Yes, sir.

Q. How much; 80 acres?—A. Yes, sir.

Q. What was the price you were to receive?—A. Well, I sold the 80 for a thousand dollars.

Q. Who was this Levi Sanders and Charles Sanders? Where were they?—A. They were in Mahnomen.

Q. Had a bank?—A. No; they had a little bit of an office there of their own.

Q. Oh, an office of their own?—A. Yes, sir.

Q. Did you go there to get your pay?—A. The first time I saw him, Charley Sanders drove up to my place; I was living about 5 miles straight southwest.

Q. All right, don't repeat that; go ahead.—A. I was living there and he drove up there—with a Frenchman——

Q. Don't tell too much about it. Get down to the point where you wanted to get your money.—A. I wanted to tell the whole story of it.

Q. Well, go on and tell your story, Mr. Bottineau.—A. Well, I am just going to tell you. He drove up to my place with a horse and buggy, him and the Frenchman, and he wanted to know if I had an allotment. I told him yes. He asked me if I had my trust patent. I said yes. He wanted to see it, so I showed it to him, and he took that. He told me, he says, let me take that; says he, you come up this afternoon, says he, to my office. I says all right. They was selling land that time; that was the beginning of it. So, in the afternoon I drove up, and I see him. He went out and looked at the land there, and he drove up to his office there. When I got there, says he, "well, won't you take any less than a thousand dollars?" I says, "no, sir; I will sell it for a thousand dollars." So he gave me a little money on it at that time, and he told me, "come up," says he, "to-morrow," says he, "and get your money."

Q. Was that $50 he gave you then?—A. No; $25 all together. So I took the $25 and I waited until the next day. The next day I went up there to get my money and sure enough, he had quite a pile of money piled up there on the table, and they were all in $1 bills, except three bills were $2 bills, the rest of it were all $1 bills. I didn't know whether that money was for me or not. He says, says he, "You can take your money now." I looked at the money. It was all $1 bills. So I took my pocket handkerchief and put the money into it. I went across the street to Froshaug's bank. I went and

got him to count that money for me. And he make kind-a laugh when he see me coming in with all them dollar bills, you know, and he counted the money and he turned around to me and says: "Mr. Bottineau did you sell that land for that money?" "I don't know. I sold my land for a thousand dollars." "Well," says he, "it ain't here." "Well," said I, "I don't know." He said probably I might make a mistake. We will let the other man count the money. That was Hammot, the cashier of the bank.

Q. (Spelling) A-a-m-o-t-h. Is that the way he spells his name?—A. I can't tell. I can't read.

Q. All right, go ahead.—A. So he counted the money. All he could find was six hundred and forty dollars.

Q. $641, wasn't it?—A. $640.

Q. Well, all right.—A. And there was Mr. Barstow. He was a merchant there at that time, down there you know, and he happened to come in there and we got him to count the money. All he could find was $640. And after he counted the money I went over to see Mr. Sanders. I says to Sanders, "Did you make a mistake counting that money?" He says, "I guess not." I says, "All we could find is $640; that is a long ways from a thousand dollars." He says, "You don't suppose that I am going to sit right on this chair without making a few hundred dollars." Says I, "I didn't hire you," says I, "to buy that land from me and to pay you for buying that land from me," and he kind-a laughed at me. So he didn't want to give up the rest of the money. So I went back to the bank and Froshaug says, "We'll leave the money right in here, and it'll be some time probably until he comes round to it." So I left the money right there in the bank, so it never was said nothing about it no more for the last five years. Then last spring he come up to me——

Q. Who?—A. Levi Sanders. He drove up to my place there in White Earth, and he wanted to know if I had my fee simple patent. I told him no, says I, "I haven't got it." Well, says he, "Hadn't you better send for it?" "Yes, Mr. Sanders," says I, "I will send for it, any time when you want that fee simple patent, I will send for it," says I; "you go right up to the agent's office and count me the rest of that money, that $360 what you owed me—I aint charging you no interest—and pay that money in there, and leave it in the agent's hand, and whenever the fee simple comes back from Washington the agent will notify you, and I will take my money." So he didn't want to do that; so he went back, and about a week after he came right back again, and when he came into the house, he says, "Mr. Bottineau, I made a mistake when I paid that money," says he, "I was looking my books over when I got home, and I see I was short a hundred dollars. There is a hundred dollars coming to you yet on that deal." Says I, "Mr. Sanders, I will tell you one thing. Turn another page over, I think," says I, "you will find the rest of that money right in there," and he got kinda mad, and went out, and I haven't spoke to him since that.

Q. This was Levi Sanders, of Mahnomen?—A. Yes, sir.

Mr. BURCH. I have no further questions to ask of Mr. Bottineau.

Mr. GRAHAM. Do any of you gentlemen desire to ask the witness any questions?

Mr. BEAULIEU. I would like to ask the witness a few questions.

Q. Mr. Bottineau, how long have you lived at White Earth?—A. Well, I have lived at White Earth a little over a year.

Q. I mean, upon the White Earth Reservation.—A. About 24 years since I moved from Minneapolis up to White Earth.

Q. Where did you live prior to removing to White Earth?—A. Well, I was making my home right in Minneapolis and St. Paul.

Q. How may years did you live in Minneapolis and St. Paul?—A. Well, I lived there until I was about 15 years old.

Q. How long did you live in Minneapolis and St. Paul?—A. I don't know; I never kept any track of that.

Q. About how long?—A. Well, I couldn't tell you.

Q. You had some knowledge of business matters, did you not?—A. No, sir; I had no business at all.

Q. I mean, you had some knowledge of it?

Mr. GRAHAM. By the way, Mr. Beaulieu, are you asking questions on behalf of Mr. Sanders, or whom?

Mr. BEAULIEU. No; I am asking the questions to show that Mr. Bottineau was capable of taking care of himself, and that he came within the provisions of the Clapp Act.

Mr. GRAHAM. But if the facts are as stated by him, don't they prove that he was not able to take care of himself?

Mr. BEAULIEU. No; I had something to do with that case, and I know. I advised him what to do.

Q. Are you a citizen of the United States?—A. Yes, sir; I was a soldier and draw a pension.

Q. You are drawing a pension now, are you?—. Yes, sir.

Q. Could you not have had Mr. Sanders prosecuted for defrauding you, as you claim?

Mr. GRAHAM. I do not think you need answer that. I do not think the man is a lawyer, and that is really a question of law.

Mr. BEAULIEU. He didn't have to be a lawyer to know that he could prosecute Mr. Sanders.

Mr. GRAHAM. What is the good of filling the record with that? Everybody knows that.

Mr. BEAULIEU. Yes; but I don't want to have it appear that a man is put on here as an ignorant Indian and does not know anything about his rights as a citizen.

Mr. GRAHAM. I do not like to interfere in asking the questions, but really there are some questions so self-evident that it does not seem worth while filling the record with it.

Mr. BEAULIEU. If I am not mistaken, Mr. Bottineau was one of the men who favored the Clapp act before it was passed. Of course I can only prove that by Mr. Carl.

Mr. GRAHAM. Well, go on, and let us see where you get to.

Mr. BEAULIEU (resuming examination of the witness):

Q. Mr. Bottineau, do you know when the Clapp act was being discussed, that is the Clapp bill, before it became a law?—A. No.

Q. Don't you remember?—A. No; I don't remember anything——

Q. Wait until I ask you the question. Do you not remember when John Carl was around among the people on the reservation, asking them what they thought of the Clapp act, and making agreements with them to go and prosecute that bill.—A. No, sir; he never come around. I never seen John Carl at all.

Q. You didn't know that that was being done?—A. I have heard about it. I remember I paid no attention to it.

Q. That was a year before the Clapp act was passed, wasn't it?—A. I don't know. I never paid any attention to that, and I know I didn't know. I didn't care about that.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. That is all Mr. Bottineau, you may stand aside.

Witness excused.

HERMAN BOCKUS, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name, please?—A. Herman W. Bockus.

Q. Where do you live?—A. Frazee.

Q. Where is Frazee, from Detroit?—A. About 12 miles.

Q. That is on the road going toward Minneapolis?—A. Yes.

Q. How long have you lived there?—A. About 11 years.

Q. That would be the greater part of your adult life?—A. Yes, sir.

Q. What has your occupation been there?—A. Stenographer, timekeeper, and various positions.

Q. With the Nichols-Chisolm Lumber Co.?—A. For the Commonwealth Lumber Co. at first.

Q. When did you go to work for the Commonwealth Lumber Co.?—A. In September, 1900.

Q. How long did you continue working for that company?—A. Until the latter part of 1904.

Q. That company, then, as I understand it, was merged in another one?—A. It was succeeded by the Nichols-Chisolm Lumber Co.

Q. Well, did the Nichols-Chisolm Lumber Co. take in any other members than those of the Commonwealth Lumber Co.?—A. I don't know.

Q. When you took the new position, were you relatively in the same place as before, or did you have other persons doing the same line of work in the new company?—A. Well, just at that time after the change was made, I was still in the same position?

Q. And the only one in that position?—A. Yes.

Q. And continued how long?—A. Perhaps a year that way.

Q. What change occurred then?—A. I was made timekeeper then.

Q. Did you continue in your former duties or not?—A. Partly.

Q. What were the duties of the timekeeper?—A. To keep the time of the crew, for the plant.

Q. Did it take you away from the plant, or did you keep the time only of those who helped at the plant?—A. I kept the time only of those who worked at the plant.

Q. That plant, I suppose, was one for converting logs into lumber?—A. Yes, sir.

Q. Any other business done there besides that?—A. Well, there was a planing mill, besides the saw mill.

Q. At the planing mill they filled contracts and prepared the lumber for building houses, and shipped it everywhere, did they?—A. Yes.

Q. They made doors, and sashes, and blinds, and all that, did they?—A. No.

Q. They just planed the lumber?—A. Yes, sir. That is all.

Q. Did you change your employment subsequently?—A. Yes.

Q. What was your next job?—A. Bookkeeper.

Q. That took you away from the time keeping, did it?—A. Yes.

Q. When did you begin bookkeeping for the Company?—A. The fall of 1906.

Q. And continued at it how long?—A. Perhaps a year and a half or two years.

Q. Until when?—A. 1908 or 1909, I don't remember. I gradually turned the work over to other men, as far as I could.

Q. And you went at what?—A. Managing the office.

Q. How many employees were under you?—A. Eight or nine.

Q. What were their duties?—A. Record keeping of one kind and another, timekeepers, bookkeepers, cashiers, bill clerks and stenographers.

Q. And have you continued in that work ever since?—A. Yes, sir.

Q. And are still at it?—A. Yes.

Q. Is there anyone about the plant except the officers of the company who is superior to you in the service?—A. No, sir.

Q. To use the language of the street, you are "it" down there?—A. When the higher officials are away, yes, sir.

Q. Well, I commend the company's judgment. Are you a married man?—A. Yes, sir.

Q. What has your education been; what I want to get at is, have you had special training as an accountant or bookkeeper?—A. No, sir.

Q. Just grew to it—just fell into it?

Mr. GRAHAM. Mr. O'Brien, you may take the witness.

Examined by Mr. O'BRIEN:

Q. I hand you a file, Mr. Bockus, No. 70, marked "Gus Beaulieu," and ask you what it is [handing witness packet of papers]?—A. This is correspondence covering the correspondence between Gus H. Beaulieu and the Nichols-Chisolm Lumber Co.

Q. Is that all the correspondence in your office between the Nichols-Chisolm Lumber Co. and Mr. Beaulieu?—A. Yes, sir.

Q. I will ask you to identify that file No. 42.—A. That file is the same thing—that is, correspondence between Ben E. Fairbanks and the Nichols-Chisolm Lumber Co.

Q. Is that file No. 42 the correspondence between the Nichols-Chisolm Lumber Co. and Ben L. Fairbanks?—A. Yes, sir.

Q. I now show you a file without any number on it, but with the name of Mr. Simon Michelet written across it, and ask you to identify that.—A. That covers correspondence between Simon Michelet and the Nichols-Chisolm Lumber Co.

Q. Is that all the correspondence between Simon Michelet and the Nichols-Chisolm Lumber Co.?—A. Yes, sir; it is all I have.

Q. I now show you 12 papers, Mr. Bockus, and ask you to identify them. Just tell us what they are first, checks or drafts, or whatever they are.—A. They are time checks issued to Gus H. Beaulieu.

Q. By whom?—A. The Nichols-Chisolm Lumber Co.

Q. Will you tell us about the indorsements on them—are they all indorsed by Beaulieu—are they all indorsed and cashed by Mr. Beaulieu?—A. Yes, sir.

Q. Will you please read to us the amounts of these checks?—A. (Reads:)

Dec. 21, 1904	$25.00
Jan. 7, 1905	25.00
Feb. 13, 1905	100.00
Mar. 2, 1905	100.00
Aug. 2, 1905	25.00
Sept. 4, 1905	50.60
Oct. 10, 1905	25.00
Nov. 1, 1905	25.00
Dec. 2, 1905	25.00
Jan. 2, 1906	25.00
Feb. 3, 1906	25.00
Mar. 2, 1906	25.00

Q. Then it appears from those papers, does it not, that Mr. Beaulieu, during the year 1905, the latter part of the year 1904, and the first part of 1906, was receiving a regular monthly salary from the Nichols-Chisolm Lumber Co, was he not?—A. I don't know whether it was a salary or not. Most of these are charged to different departments, regular expense, mostly.

Q. It came with regularity, didn't it, apparently $25 a month?—Run through it and see if it does not come about $25 a month straight through there?—A. No; it doesn't.

Q. Now, tell us where it varies?—A. April, May, June, and July are less than that.

Q. Isn't there a larger sum including those months there? Isn't one check made larger when there is apparently a missing link?—A. That is before the lapse.

Q. Well, it covers the lapse, doesn't it?—A. I don't know.

Q. Well, now, just look and see if it does not?—A. I don't know.

Mr. GEORGE. February, 1905, $100; March, 1905, $100; and then nothing until August 2, 1905.

The WITNESS. It may cover that; I don't know. I don't issue these checks.

Q. I will show you a letter from file No. 47 and ask you to identify it—at least a copy of a letter?—A. It is a copy of our letter to Gus H. Beaulieu.

Q. Will you please read it into the record?—A. (Reads:)

FRAZEE, MINN., *February 7, 1905.*

GUS H. BEAULIEU, *Washington:*

We will need somebody to advise us relative to reservation matters frequently. Please advise us, shall we send check for $25 each month to your brother, R. G. Beaulieu, or shall we mail the check to you at Washington?

Yours, truly,

NICHOLS-CHISOLM LUMBER CO.,
By ——— ———, *President.*

Q. I show you another bunch of papers and ask you to identify them.—A. Those are checks issued by the Nichols-Chisolm Lumber Co.

Q. You will please arrange those according to dates, in their order, please.—A. The way they were at one time?

Q. Maybe I had disarranged them.—A. These checks were issued to Gus H. Beaulieu and Ben L. Fairbanks.

Q. Well, now, will you segregate them, please, as to those issued to Mr. Beaulieu and those issued to Mr. Fairbanks—sort them?—A. I think there are only a few there to Mr. Fairbanks.

Q. Have you arranged them now in order?—A. Yes.

Q. You have segregated the Fairbanks and the Beaulieu checks separately?—A. Yes, sir.

Q. Will you please read the dates and amounts to us? The checks to Mr. Beaulieu now.—A. (Reading:)

Jan. 30, 1911	$100.00
Feb. 4, 1911	550.00
June 15, 1911	100.00
July 1, 1911	250.00
Oct. 6, 1911	300.00
Oct. 28, 1911	250.00
Nov. 17, 1911	500.00
Dec. 4, 1911	500.00
Dec. 14, 1911	500.00

That is a series of bank checks that I just called, and the other series is a pay-roll series, we call them, covering—

Oct. 1, 1911	$100.00
Oct. 31, 1911	100.00
Nov. 30, 1911	100.00

Q. Now, the other list, the Fairbanks list?—A. These are on the pay-roll series, to B. L. Fairbanks:

Oct. 1, 1911	$100.00
Oct. 31, 1911	100.00
Nov. 30, 1911	100.00

Q. Then, during the year 1911, Mr. Beaulieu received from Nichols-Chisolm Lumber Co., $3,350. Is that correct?—A. I don't know.

Q. That is from the vouchers you have read?—A. Have you all the vouchers there?

Q. I took them down; just check them up—simply those that you have read.—A. Well, I have not read any vouchers. There are no credits for timber or anything of that kind; $3,350 is covered by these checks to Gus H. Beaulieu.

Q. During the year 1911?—A. Yes, sir.

Q. What was that $3,350 for, if you know?—A. $400 of it was for salary.

Q. $400 for salary and what was the remaining $2,950 for?—A. $2,950 to Mr. Beaulieu on account.

Q. On account of what?—A. Money he asked us to let him have.

Q. Advanced to him, was it?—A. Yes, sir.

Q. Has he put up any security of any kind for this advance?—A. Some security, yes sir.

Q. What is the security?—A. Mortgages on property.

Q. What property, for example?—A. Well, there is some property at White Earth and some—I don't recall the other.

Q. Well, have you any records of the property, Mr. Bockus?—A. Yes, sir.

Q. I would ask that before these hearings end, you produce that record, showing what the credit has been.

Mr. GRAHAM. Mr. Bockus has said something about security. You might find out how much is secured.

Q. I think the records would show for themselves. Do you know for yourself, Mr. Bockus, how much security has been put up?—A. No, I don't.

Mr. POWELL. I would suggest in that connection that perhaps when Mr. Nichols is well enough to appear, he will be more familiar with that than Mr. Bockus, and he will produce it.

Witness. This was done through Mr. Nichols.

Mr. BEAULIEU. Everything is on record there.

Mr. BURCH. May we hope to secure the attendance of Mr. Nichols?

Mr. POWELL. Well, I certainly hope so. I expect him to recover, but not at this hearing, Not at this time. It is impossible, as I stated the other day. As soon as he is able to appear before this committee, he will do so.

Mr. BURCH. Is there any possibility——

Mr. POWELL. There is no possibility that he will be able to attend within 30 days.

Mr. BEAULIEU. Now, Mr. Chairman, these matters that they are presenting here are so entirely business matters, nothing whatever to do with the Nichols-Chisolm Lumber Co., if they are going to look up everything where I have mortgages, they will have to travel all over the State, because I guess all my property is mortgaged. I don't see why they should take this and put it in as part of this investigation.

Mr. O'BRIEN. The Nichols-Chisolm Lumber Co. have an attorney here, and if they have any objection to it, I should think their attorney would make that objection.

Mr. BEAULIEU. Well, I am interested in this and I have the right to make an objection.

Mr. GRAHAM. Very well, your objection is noted in the record. Proceed.

Mr. O'BRIEN. I will ask you, Mr. Bockus, to refer to the vouchers, and call the committee's attention, or let the record show at what period—what part of the year 1911 the greater portion of this money was advanced to Mr. Beaulieu, at what time during the year 1911. We have the record, February, $550; July, $250; October, $300; October, $250; November, $500; December, $500—$500 more in December. In October then, $550 was advanced, in November, $1,000 in addition to the $100?

A. No; November, $500.

Q. There are two $500?—A. There are two $500 in December.

Q. We have not got to December yet. There are two $500 in December, and $600 in November.—A. $500.

Q. That is in addition to the $100 salary, isn't it?—A. I don't know—yes; $600.

Q. And in December there is $1,000?—A. Yes.

Q. I will ask you if you know, Mr. Bockus, at what time the trial of Mr. Gus Beaulieu and the others occurred at Fergus Falls?—A. At what time?

Q. Yes.—A. Last fall.

Q. At what time during the fall—what month—do you know?—A. I don't know.

Q. What month was it?—A. November, I think.

Q. The latter part of November and first of December, wasn't it?—A. Somewhere around there; in the winter time.

Q. Do you know, Mr. Bockus, about the approximate total sum of money paid by the Nichols-Chisolm Lumber Co. for pine upon the White Earth diminished Reservation?—A. Yes.

Q. How much was it?—A. $1,266,000.

Q. I will ask you, Mr. Bockus, if you know anything about the amount of timber upon the E. ½ of the SE. ¼ and the NW. ¼ of the SE. ¼, and lots 1 and 2 of sec. 35, T. 143, R. 38?—A. Yes, sir.

Q. Will you show us on the map where that is, for the benefit of the committee?

(Witness indicates on map.)

Q. How much pine was there on that 166 acres, Mr. Bockus, if you know?—A. 1,505,000 feet.

Q. Did your company purchase that 1,505,000 feet of pine?—A. Yes, sir.

Q. Do you know what price they paid for it?—A. Yes, sir.

Q. How much?—A. $12,400.

Mr. O'BRIEN. I think that will be all for Mr. Bockus for the present, Mr. Chairman.

Mr. POWELL. You say "for the present." Do you want to keep him here to-day?

Mr. O'BRIEN. No, no; but in case anything should come up, we can send for him again.

Mr. POWELL. Oh, yes. Is there anything further you want to ask him?

Mr. GRAHAM. Anyone present who wishes to ask Mr. Bockus any questions? Mr. Beaulieu?

Mr. BEAULIEU. No, sir.

Witness excused.

E. B. LINNEN, recalled.

Examined by Mr. BURCH:

Q. Where you left off last night, Mr. Linnen—the names of these parties?—A. I simply had stated that I had selected a few other affidavits, referring to a few other parties.

Q. And had you given them?—A. I don't think I gave them. I did mention John Carl, who had been mentioned before, I think, and Simon Michelet.

Q. As purchasing lands?—A. Well, yes; buying lands, being affected by these affidavits, when he was the Indian agent at White Earth.

Q. At that time?—A. Well, possibly after he ceased being Indian agent he bought the lands.

Q. Very well, go ahead.—A. I will start now with reading the affidavits pertaining to Mr. L. S. Waller, and in that connection I believe it would be proper to read the affidavit of the Interpreter who acted for him, wherein he states the methods that were used.

Q. Well, read the Waller affidavits first, and then read the interpreter's affidavit afterwards.

The WITNESS. Affidavit No. 317, signed by No-de-nish-skung. Do you want me to read all of that?

Mr. BURCH. That part which affects Mr. Waller.

The WITNESS (reading):

Dated August 30, 1909. I sold my original allotment, No. 4829, for lot 1, NW. ¼ NE. ¼, sec. 12-144-39, to L. S. Waller, of Waubun, for $100, early in 1909. Fred Belland was the interpreter. He asked if I was a mixed blood, and I said that I was. I was drinking at the time.

Mr. BURCH. Now you may read the affidavit of the interpreter.

Mr. GEORGE. I don't quite understand. Is this a continuation of yesterday's business, when Mr. Linnen stopped?

Mr. BURCH. Yes; Mr. Linnen only gave notice to these parties yesterday, and he has continued that notice to a finish this morning, and he now takes up the affidavits proper. Just as he did in the case of Mr. Beaulieu, to read from them, but as affecting the other parties who are charged with having taken full-blood deeds.

The WITNESS (reading):

Affidavit No. 348.—Osh-ken-now. Dated September 10, 1909. I sold the two allotments of my deceased children. One was named May-zin-nah-wash (son), original allotment No. 1065, for W. ½ SW. ¼, sec. 23-143-41; and my deceased son, O-de-ne-gun, original allotment No. 1063, N. ½ NW. ¼, sec. 11-143-41. I sold these two 80-acre tracts of land to Mr. Fargo, of Ogema, Minn., about a year ago, for $500 each, or $1,000. He gave me $200 and paid Banker Waller, at Waubun, Minn., a mortgage I had given him for a team, harness, and wagon and buggy. That is all he paid me. The interpreter, Jim Bunker, was drunk. I found out later he passed me as a mixed blood. I was drinking, and after they got me drunk they bought this land of me. They used to get all the Indians drunk and then buy their land.

Affidavit No. 7.—Ah-be-dah-sah-mo-quay, dated August 31, 1909. That she was present when L. S. Waller, of Waubun, came to my house and stated to my husband that he had made out papers to have him arrested, and that he had come over to get the trust patent of his original allotment in order to take care of his land for him (my husband). That Andrew Van Oss was the interpreter, and that he gave whisky to my husband. I have heard the affidavit read which was made by my husband, named May-way-be-nace, with reference to the deals made with Mr. Waller, L. O. Johnson, and J. T. Van Metre, as set forth in his affidavit, and know that the facts contained in the affidavit are true.

Affidavit No. 15.—Ah-wun-ne-ge-shig-go-quay, dated August 28, 1909. Last winter I went to Waubun and saw Andrew Van Oss, and I told him about my land. Some time afterwards I brought in the description of my land, and he took me to Banker L. S. Waller. I told Waller I wanted $500 for the land, and he gave me $10 cash and $15 in trade at the store and a horse. Andrew Van Oss was the interpreter. Waller asked me if I was a mixed blood. I said I was a full blood. I never signed any papers or made any mark, but Andrew Van Oss signed some papers while I was there. The land is in two sections, one part farming land and the other part hardwood timber.

Affidavit No. 41.—Ay-ne-mah-sung, dated August 30, 1909. I sold my additional allotment, No. 3029, or W. ½ NW. ¼ sec. 33-145-38, to L. S. Waller, of Waubun, about four months ago. He paid me $50. He asked if I was a mixed blood, and I said yes. I was drinking.

Affidavit No. 50.—Be-shew, dated September 9, 1909. I live near Gull Lake settlement, White Earth Reservation. I sold my original allotment, No. 3785, for the SE. ¼ SW. ¼ and SW. ¼ SE. ¼, sec. 18-143-41, to Mr. Waller, the red-headed banker of Waubun, about two years ago, for $800. He gave me $100, a pair of bob sleighs, and a wagon, and some trade in Mr. Price's store. He also gave me a second-hand sewing machine. Then he said he would borrow $200 of the $800. Waller said he would have the estates of my children and relatives who were deceased, seven in number, probated. My son was the interpreter. I did not understand the papers for this sale. I told Mr. Waller that I was a full-blood Indian.

I sold my additional allotment, No. 2373, for the SW. ¼ NE. ¼ and NW. ¼ SE. ¼ sec. 2-142-40, to M. J. Kolb, of Ogema, Minn., a little more than a year ago, for $500. He gave me $35 cash, and a team of poor horses (bronchos) and harness. The horses soon died. Joe Perrault was the interpreter. I told he and Mr. Kolb that I was a full-blood Indian. I did not understand the papers. I was not sworn.

Affidavit No. 52.—Bay-she-gwe-we-zaince, dated September 10, 1909. I sold my original allotment, No. 4704, for W. ½ NW. ¼, sec. 36-143-41, last spring, to Mr. Waller, the red-headed banker at Waubun, Minn., for $75. That was all he gave me. He told me he would give me $500. He would give me no more. He told me he would give me a team of horses, but when I went for the same he would not do so. Andrew Van Oss was interpreter. The papers were not read to me and I was not sworn to them. I did not understand the papers. They put me down as a mixed blood. That was not true.

John W. Carl, of Mahnomen, Minn., loaned me $31 a short time ago, in June, 1909, on my additional allotment, No. 2320, for the S. ½ SE. ¼, sec. 28-143-38. I did not sign

any papers for him. He told me he would buy this land from me. He wanted to see how this investigation came out.

I was drinking when I sold my land to Banker Waller, and was under the influence of liquor. This Waller was after me for a year to buy before I sold to him.

Affidavit No. 61.—Bay-kee-tah-be-tung, dated August 23, 1909. Two years ago I sold the pine on my additional allotment, No. 1857, for the SW. ¼ SE. ¼ and the SE. ¼ SW. ¼, sec. 20–143–39, to L. S. Waller, of Waubun, for $1,600. I have received all the money but $175. When I sold I did not know that I was selling the land. Waller told me I was not selling the land. Since then I have found out that he made out papers, including the land also, for he told me so February 19, 1909. Waller asked my father if I was a mixed blood, and he said that I was. I did not understand the papers I signed. I was drinking at the time.

Affidavit No. 71.—Be-dah-nah-quod, dated August 24, 1909. July 4, 1907, my wife, Doe-wen-gun, and self went to Waubun and saw L. S. Waller in the bank there. I took three trust patents, one mortgage of my deceased girl, No. 4168, Aish-quay-gwon-nay-be-quay, aged 5 years at the time. It was timber land. The two trust patents were my wife's original allotment, No. 3349, for W. ½ NW. ¼, sec. 10–144–39, and the other my deceased boy, allotment No. 3354, of Ke-way-yah-nah-quod, aged 5 years. It was farm land. My wife and I mortgaged these three allotments for $500. I did not get the cash. They gave me two bronchos, a secondhand wagon, and a harness. I got $75 in cash and they kept $100 for making out the papers. William Brunette was the interpreter.

Less than a month later I went to Waubun again. Mr. Waller asked to buy my deceased girl's allotment, which was mortgaged. He told me he would pay $350 for it. I said no. I had no money and no food in my house. I said I would sell my deceased girl's allotment for $400. I sold it to Mr. Waller. Mr. Waller said I owed him $500 on a mortgage a month ago, and he said, "I will credit you with a hundred dollars and take $100 for making out the papers, and pay you $100 in cash." I accepted his offer. William Brunette was interpreter. My wife and I signed papers. I did not understand these papers. They asked if I was a mixed blood or a full blood. I told them I was a full-blood Indian.

When my wife and I went in the spring of 1909 to pay the mortgage, Mr. Waller made us pay $500 in cash. I can not understand how we had to pay so much.

Affidavit No. 419.—Que-we-zaince, dated September 11, 1909. I live near White Earth, Minn. I sold my only allotment, No. 2774, NE. ¼ SW. ¼ and lot 3 sec. 30–143–40, about three years ago, to a banker at Waubun, Minn., for $500. All he gave me was a pair of old horses (poor) and $10 in cash. I told him I was a mixed blood, but it was not true. I am a full blood. I did not understand the papers. A son of Andrew Van Oss was the interpreter. He and this banker used to come up to my house and look at the land and try to buy it from me.

The WITNESS. I have quite a number more relative to Mr. Waller, but I have read as many, I guess, as six, or more, and I will take them up on some one else, if you desire.

Mr. GRAHAM. That is enough.

The WITNESS. Before doing that, I will read the affidavit of the interpreter, Andrew Van Oss.

Mr. BURCH. He was not your interpreter?

Mr. GRAHAM. I don't understand that; please explain.

The WITNESS. He was the gentleman who acted as interpreter for Mr. Waller, this banker who bought these tracts of land from the Indians, and he gave me a statement as to what actually occurred in the purchase of these lands.

Mr. GEORGE. Was he interpreter for all of these?

The WITNESS. Well, generally. [Reading:]

Affidavit of Andrew Van Oss, interpreter.—Subscribed and sworn to the 16th day of September, 1909. I am about 58 years of age, am a mixed blood of the Chippewa Tribe, residing upon the White Earth Reservation, and my post-office address is Waubun, Minn.

That, being able to talk both the English and Chippewa languages, I have acted as interpreter for several years last past for L. S. Waller, banker, at Waubun, Minn., and for Mr. Korstue, also a banker, at Waubun, Minn., both of whom were buying lands of Chippewa Indians residing and owning lands on the White Earth Indian Reservation.

I commenced acting as interpreter for L. S. Waller, banker, at Waubun, Minn., in the summer of 1906, just as soon as the Indians commenced selling their lands. He employed me at $2 per day and all expenses. He bought the lands of these Indians at his bank in Waubun, Minn., and at various points on the White Earth Reservation, where he would drive with me to the homes of the various and numerous Indians from whom he purchased these lands. Sometimes the cashier in his bank, Mr. Davis, would go out with me about the country visiting the homes of these Indians and there purchase their lands.

I am unable to read, but can sign my name, and I simply interpreted to these Indians from whom they purchased these lands what they told me to say to them. These papers were scarcely ever read to these Indians, and I never saw any of these Indians who sold being sworn to the papers they signed. In numerous cases they bought the lands direct from the Indians at their homes and had them sign papers at their homes, all over the White Earth Reservation, where we would go for the purpose of purchasing these lands. We drove about the country a great deal, visiting Beaulieu, Twin Lakes, Elbow Lake, Pine Point, and various other places on the White Earth Reservation, purchasing these lands.

These Indians who sold did not know the value of their lands, and these lands were purchased generally at from $50 to $150 for each 80-acre tract. The majority of said 80-acre tracts they purchased for from $75 to $100. In no case that I recall, either when they purchased from the Indians at the bank or at the home of the Indians, did they pay them the full price they offered them for the land, but would generally give them $25 or $50 and tell them they would pay the balance when they got the fee patent to their lands. In hardly any case was an Indian ever paid in full, and I do not know of a case where the Indian was paid the full amount of money promised him.

Sometimes they traded horses, wagons, buggies, and harness, and other things to these Indians for their lands, and while the horses might look fairly well when they sold them, in a few months the horses were generally dead. I knew that the Indians were being defrauded and that they were not getting the full value of their lands, and that they were not receiving the full amounts promised them for their lands, which was very little. I never knew that either Mr. Waller or Mr. Davis, who purchased these lands, was a notary public; they never swore any of these Indians to the deeds or mortgages which they signed. I never saw either of them have a seal, and when we drove about the country to purchase the lands of the Indians I would always be with either Mr. Waller or Mr. Davis alone, and no other person other than the Indians from whom we purchased would be present when the sales were made. I would simply interpret to the Indians what they told me to. These Indians understood what I interpreted to them, but I felt satisfied that they did not understand the papers they were signing. They were anxious to get a little money and to sell their lands and they would say that they were mixed bloods.

In one case I remember where L. S. Waller bought the land of a girl 14 years old. Her mother and father are dead, and she was living with Shay-wah-bik-e-to, her grandfather. I told Mr. Waller at the time he purchased her land that she was not of age, and he knew it, but he said he would take chances and buy it anyway. He offered her $200 and gave her $25 down; she got some more later on, $15 one time, a pair of shoes another time. Her name was Tah-mah-she-quay. This girl came to Mr. Waller, the banker, at Waubun, Minn., just prior to the celebration held the 14th of June (1908?) at White Earth, Minn. She wanted some money with which to buy clothes and wished to sell her land. I told Mr. Waller that this girl was not of age, and he said, "She has a nice piece of land and I am bound to get it some way; if I don't some one else will," and he bought it anyway. This girl's land was about 3 miles northeast of Mahnomen and is fine farming land.

Generally the Indians for whom I interpreted when they sold their lands would pay me usually about $5. This was after my wages were cut down by Mr. Waller. Once in a while Mr. Waller would give me $5 or $10 when I interpreted. I interpreted for a great many Indians; I can not tell the number.

I also interpreted for a banker at Waubun, Minn., H. A. Krostue by name, who, I believe, is cashier of the bank in which Charles N. Bourden is vice president. I interpreted for him in much the same manner as I did for Banker Waller, both at his bank in the town of Waubun, Minn., and I also made a few trips out in the country where he purchased lands from Indians. I do not remember of ever seeing him swear any person to any deed or mortgage which they signed. He would pay me $5 or $10 for making a trip into the country for him, and when I interpreted at his bank, where the Indians were selling to him, he would generally give me $5 or $10. He generally paid a little more for the lands he purchased than did Banker Waller. He would only pay them a part and would tell them he would pay the balance when he got their fee patents. Many of the Indians who sold their lands to Mr. Waller, Mr. Davis, and to

Mr. Krostue have complained to me that they got only a part of the money promised them. Cashier Krostue also traded horses, buggies, wagons, harness, etc., to the Indians for their lands, and he, as well as Banker Waller, charged high prices for these numerous articles.

On this day (16th of September) Banker L. S. Waller, when he learned that I was coming to White Earth, talked with me and tried to prevent me from coming here to testify. He told me that I did not have to come unless papers were served on me, and tried to influence me not to come, and said "that thing down there doesn't amount to anything anyway."

I feel satisfied that they bought the lands of quite a few full bloods.

These Indians who sold their lands and received only part pay would frequently come back to these parties who purchased and ask for more money; sometimes they would give the Indians a dollar or two, but generally they would not give them any more. Sometimes they would tell the Indians to get out, as they (bankers) would have nothing to do with them. I can not read and did not know the difference between a deed and a mortgage, so I would not know which the Indians who sold were signing.

ANDREW VAN OSS.

Mr. DENNIS. May I say, Mr. Chairman, that we would like subpœnas for Mr. Van Oss and all the Indians named in these affidavits, so that we may bring them here in connection with these affidavits.

Mr. GRAHAM. Mr. Dennis, the committee would like to have you submit in writing the names of the witnesses you want and at least a suggestion of the things you want to prove by them.

Mr. DENNIS. I have the names, Mr. Chairman, and I would like subpœnas for every one of them.

Mr. GRAHAM. We will not stop now to issue subpœnas, but you get the names and information and submit it to us, and we will take such action as we think proper at that time. You understand, of course, that we want to get only such witnesses as there is reasonable ground to believe can give us some information. We do not want subpœnas to go out and bring in the countryside, so we would like to have you suggest what you want.

Mr. DENNIS. It is not my intention to bring in a hundred or two hundred witnesses and produce them here to testify about something that would not be relevant to the issue. That is not my intention; but I would like to have an opportunity to produce some of them to give the commission a general idea of the other side of the affidavits. There are always two sides to most things, and I think there are to these affidavits.

Mr. GRAHAM. Yes. Well, submit your list and a short statement, so that we may consider it.

The WITNESS. I will now read the affidavits affecting Mr. M. J. Kolb, the banker at Ogema:

Affidavit No. 11.—Ah-kah-kan-zhay-we-ne-ne, dated August 23, 1909.

Three years ago the bank of which M. J. Kolb is connected at Ogema, sent for me and wanted to buy the pine on my minor son's Oh-shee-nee-nee, age 14. It was No. 2163, for NE. ¼ SE. ¼ and SE. ¼ NE. ¼ sec. 8-144-38. I went over to Ogema with the boy's trust patent and went to Mr. Kolb's bank and there was another man, whose name I do not know. He said he would buy this pine, but as it was a minor's allotment, he might get in trouble. He stated he would stand the loss and run the risk. My wife, Be-shou-we-quay, is a witness, and also Jim Bunker, the interpreter. I paid him $10. The banker paid me $100 down. He stated as soon as he would know the values of this he would pay me more. A month later the banker sent for me. I went and he stated, "I can not buy your minor son's pine, we have made a mistake. You had better bring your trust patent of your original allotment to me or you will probably be arrested." He stated that a minor's timber could not be sold. My wife is also a witness to these proceedings. I took the trust patent of my original allotment No. 2159, for the N. ½ SW. ¼ sec. 10-144-39, at the bank. He would not pay me any more money. I have been over several times to get more money, but [illegible] do so.

Four years ago I took the trust patent of No. 3496 for the N. ½ of the NE. ¼ sec. 34-144-39 of a deceased girl, Moon-so-mah-nay, to banker, Mr. Bourdon, of Waubun, and this was her original allotment. This girl's parents had died 20 years ago. She had no relatives. My wife and I adopted her. The reason I took this trust patent was to have the banker's find the heirs. I left the trust patent with the banker and never heard what became of it. I signed papers, because the banker told me that he would put in a bill of $150 for the expense I had been to raising the girl. The last time the banker told me that the expense of probating the estate would be $150 and that I was to have $150 for raising the child, and that $300 was all that the property was worth. I told the banker that if I knew he was going to charge so much, I would not have had it probated. This girl would never have had an allotment if I had not taken one for her, and urged the agent to get one for her.

The WITNESS. And the wife who signed also certifies that the same is true, and so on, she having heard it read.

Mr. DENNIS. What is the interpreter's name on that, Mr. Linnen, if there is one?

The WITNESS. Charles Moulton. Witnessed by John Leecy, jr. [Reading:]

Affidavit No. 78.—William Bassett, July 29, 1909. I mortgaged my original allotment, No. 2786, for lot 1 and the SE. ¼ of NE. ¼ sec. 4-141-37, June 20, 1908, to M. J. Kolb, of Ogema, Minn. I was then 19 years old. I mortgaged it for $100 and was given $95 in cash by M. J. Kolb. Then I sold this land January 4, 1909, to Phillip Converse, of Detroit, Minn., for $200. He said he would pay me. He only gave me $75 cash, and he was to pay the $100 mortgage to Kolb. That is all said Converse ever gave me—$75 cash. I signed the papers in the office of Mr. Converse. He did not ask me my age. I was 20 years old in May, 1909.

Mr. DENNIS. Who was the interpreter on that, Mr. Linnen, please?

The WITNESS. He signed his own name. There are two witnesses, John Lufkins and Rose Ellis. [Reading:]

Affidavit No. 449.—Frederick Willis Smith, dated September 1, 1909. My son Charles Smith, who is now but 19 years of age, sold his additional allotment, No. 552, for the S. ½ of the NE. ¼ sec. 16-145-42, to M. J. Kolb, of Ogema, Minn., in the spring of 1909 (May) without my knowledge or consent. I do not know how much he received for same. He was 19 years of age on June 5, 1909, and is therefore a minor. Some person whom I do not know went to the Indian school at Flandreau, S. Dak., in the spring of this year (1909) and purchased the additional allotment, No. 553, for N. ½ of NE. ¼ sec. 16-145-42, of my son, Joseph Smith, who was there then attending school, and gave him $500 for same. Joseph Smith was of age at the time he sold. Superintendents of Indian schools should not allow land dealers to go to their schools and purchase lands from their pupils and minors and swindle them.

This boy signed his own name.

Affidavit No. 147.—Ge-daw-nash, or Charlie Potter, dated August 23, 1909. A year ago last summer I took the trust patent of my additional allotment, No. 2111, for S. ½ NE. ¼ sec. 1-142-37, to M. J. Kolb, of Ogema. It was pine land. I sold it to Mr. Kolb for $700. He gave me $100 in cash and $600 in trade. He gave me one horse and the horse died soon after I got him. He asked if I was a full blood or a mixed blood and I did not say anything. An old lady, Wah-say-ah, said I was a mixed blood. I was drunk at the time. I was so drunk I did not know what kind of papers I signed. William Uran was interpreter.

A year ago last winter I took the trust patent of my original allotment, No. 3825, for W. ½ SW. ¼, sec. 1-145-38 to M. J. Kolb, of Ogema. It was meadow land. Kolb bought it and paid me. I said I would take $800. I had the description and not the trust patent. The trust patent had been lost, having been lost outside the house.

At the same time my wife, who has testified in affidavit, dated August 21, gave up her three trust patents. He did not ask any more questions as to my blood relationship. Mr. Uran was interpreter. My wife and I signed papers, and Mr. Kolb took all the trust patents and minutes. I was very drunk and did not understand the proceedings fully. I sold the allotment of my deceased wife in December, 1908. It was No. 4307, for E. ½ NE. ¼ sec. 8-146-42, of Wah-shah-schoonce, to some man in Mahnomen. I sold it for $25. I was drunk, and all I can remember was that I got $25. It was farm land. I gave up the trust patent and supposed that I signed papers.

Affidavit No. 286.—Mah-je-ge-wun, dated September 11, 1909. I live at Elbow Lake. My post-office address is White Earth, Minn. I sold my additional allotment, No. 2976, for W. ½ NW. ¼ sec. 11-146-40, over a year ago to M. J. Kolb, of Ogema, Minn. He offered me $250 and has paid me, to date, a little over $100. He is waiting for me to give him my fee patent, he says. The papers were not read over to me and I was not asked if I was a full or mixed blood. I am a full blood. Romain Perrault and Dave Peake, of Gull Lake, were present when I made this sale. I was drinking and had been drunk and placed under arrest, and then they got me to sell this land, and I had to pay a fine of $13 out of the money I got. I was not sober when I sold this land. Romain Perrault, the town marshal, gave me a drink and came with me to sell my land to Kolb.

I mortgaged my additional allotment, No. 4709, for N. ½ SE. ¼ sec. 10-142-39, to a banker at Waubun, Minn. (not Waller), for $47 about two years ago. Do not know how long this mortgage was for. This has not been paid. This man now wants to buy this land. Sam Smith, or Ahndah-o-nub, who interpreted, said I was a mixed blood. It was not true. I was not asked if I was a mixed blood.

I sold my deceased daughter's original allotment, No. 4297, for S. ½ SW. ¼ sec. 30-142-42. Her name was Ah-sha-wah-big-go-quay. I sold this three years ago to M. J. Kolb, of Ogema, Minn., for $100. It was my son and my step son that took the trust patent to Kolb and sold this land. I got $25, and Kolb charged me that for probating the estate. I signed papers for Kolb. Gus Beaulieu first wanted to buy this land. It was valuable prairie land. I was misled and signed papers that I did not understand. I was cheated.

I also sold my deceased son's original allotment, No. 4349, to Mr. Fargo, of Ogema, Minn., about three years ago for $300. All he ever gave us was $50. My deceased son's name was Nay-tow-we-gwon-nabe. I paid for probating.

Affidavit No. 100.—Dah-bah-see-be-nace, dated August 26, 1909. We lost six allotments: The additional, No. 2301, for E. ½ NW. ¼ and lot 3, sec. 18-145-39, and original, No. 4685, for lots 1 and 2, sec. 18-145-39, of Dah-bah-see-be-nace; and the original, No. 4686, for E. ½ SE. ¼ sec. 13-145-40, and additional, No. 2302, for N. ½ NW. ¼ sec. 11-145-40, of Song-gway-way; and also the original and additional, No. 4689, for W. ½ SE. ¼ sec. 18-145-39, No. 2305, for W. ½ NW. ¼ sec. 12-145-40, allotments of our deceased son, Ge-wance, aged 14 years. We sold these allotments in the spring of 1909 to M. J. Kolb, of Ogema. We at first mortgaged these properties to M. J. Kolb for $500. At that time we thought we were selling. When the mortgages were due, Alex McKenzie paid them. When McKenzie paid these mortgages we received $300 more from him. We mortgaged the deceased son's two allotments to Kolb for $200 more. McKenzie paid these mortgages also and gave us $200 more. We received $1,000 altogether. We paid Sam Smith $100 for interpreting. He also followed us in the store and asked for $5 more. We do not know whether he said we were full bloods or mixed bloods. We were not asked. We did not understand the papers we were signing. Sam Smith gave us liquor all the time when we were transacting the business.

This is signed by Song-gway-way (her mark) and Dah-bah-see-be-nace (his mark), being husband and wife, I believe. Witnesses and interpreters, John Lufkins and Charles Moulton.

Affidavit No. 107.—De-kance, dated August 28, 1909. I sold my original allotment, No. 2627, for SW. ¼ SW. ¼ sec. 23 and NW. ¼ NW. ¼ sec. 26-146-38, to M. J. Kolb, of Ogema, Minn., about July 1, 1908, for $300. Kolb gave me $50 in cash and paid Sanderson and Lind, of Lengby, Minn., $250 that I owed them. William Uran was the interpreter. I was asked if I was a full blood, and told them I did not know. The papers were not read over to me. I did not know what I was signing. I had been drinking when I sold this land to M. J. Kolb, and was under the influence of liquor. I sold my deceased son's original allotment, No. 2629, for NW. ¼ NW. ¼ sec. 23 and SW. ¼ SW. ¼ sec. 14-146-38. His name was Ne-o-gah-bow. I sold it to Albert Lillo, a merchant of Lengby, Minn., in July, 1909. I drank and was under the influence of liquor when I sold him this land. Leon Goodwin was the interpreter. I was not asked if I was a full blood. The estate had been probated. The timber on this land had been cut. Elling Olson, of Lengby, Minn., bought and cut the pine on this land. He bought the pine from my husband and paid $250 for it. My husband got $200 and I got $50. My husband's name is Pin-de-gay-ge-shig, or Billy Rogers. The papers were not read over to me when I sold this land to Albert Lillo.

Affidavit No. 380.—O-din-ne-gun, dated July 27, 1909. I lost my original allotment, No. 1558, for SW. ¼ NE. ¼ and lot 2 of sec. 4-141-42. I took the trust patent two years ago to Ogema, Minn., and handed it to M. J. Kolb of that place. Kolb told me that he

would buy it. I asked $1,500. Kolb gave me $25, when I gave up the trust patent. It was farm land. Willie Uran was interpreter. They asked if I was a mixed blood, and I said "no." They told me to think up some way to make myself a mixed blood, but I could not. My wife, Dub-bus-sah-um, and Mah-wond-d-gwun-nabe were with me. I went back afterwards and got $10. All I got was $180 in cash all together, in different payments. He will give me no more money.

My mother's trust patent for allotment No. 1056, for NW. ¼ of SE. ¼ and lot 2, sec. 15–142–40, hardwood timber, was taken three years ago, by Gee-zhe-bonce (Kay-zhe-baunce (?) to Detroit, Minn., to some lawyer. She was not a relative, and had no right to the trust patent. I never received any money, and neither did the other three heirs. Gee-zhe-bonce took it to Detroit, Minn., while my mother was still living.

The clerk, George Morrison, at the White Earth office (Morrison not there now) said he saw Gee-zhe-bonce with the trust patent.

I will now read affidavits affecting E. G. Holmes.

Affidavit No. 19.—Ash-ke-bah-ge-co-zhay, dated August 28, 1909. I sold my original allotment No. 2180 for E. ½ NW. ¼ sec. 32–145–41 three years ago to E. G. Holmes in Detroit. It was farming land. Peter Bigbear took the trust patent and saw Holmes about it. Then I went to Detroit with my husband and saw Mr. Holmes at the bank. Peter Bigbear went with us. He was the interpreter. Holmes asked me if I was a mixed blood, and I told him I was a full blood. I received $300. About $50 was money and about $150 in store checks at Blanding & Norby's store and one horse and buggy. I signed some papers, and I did not know what they were. He kept the trust patent. I paid Peter Bigbear for interpreting, and Robert Morrison was paid for interpreting by the bank. I mortgaged my additional allotment, No. 1583, for S. ½ SW. ¼ sec. 5–145–41 to M. J. Kolb for $50 in the summer of 1908. He took the description. It is prairie land five miles from Mahnomen. Willie Uran was the interpreter. I paid him $10. I signed papers after I received the money. My husband was with me.

Affidavit No. 22.—Ay-go-ge-be-nace, dated July 31, 1909. I lost three allotments. I took the trust patent of my original allotment, No. 2823, for S. ½ SE. ¼ sec. 20–141–37 to Detroit, Minn., to E. G. Holmes's bank. It was farm land. Holmes had sent for me. He paid me $450—$100 in cash and $350 in trade. I sold and did not mortgage. I signed papers with my husband. Robert Morrison was the interpreter. My husband was drinking when the sale took place. Holmes did not ask if I was a mixed blood. He took the trust patent.

When Holmes first offered me $250 I went out with my trust patent. My daughter, Daisy Jugg, says that Holmes called out, "Go and fetch her back." Robert Morrison ran after me and caught me by the arm and pulled me back. Morrison said, "If you do not sell this land to Mr. Holmes we will throw you in the lake." Holmes then offered me $450, which I took. Daisy Jugg, my daughter, heard this. I paid $5 to Robert Morrison and $5 to Big Bear's son.

Last winter I took the original trust patent of Joseph, my deceased son, aged 10, No. 4503, for NW. ¼, SW. ¼, and lot 1 of sec. 15–146–42, to the First National Bank of Detroit, Minn. It was scattering pine. I mortgaged it for $40 for one year. They paid me in cash. George Fox was the interpreter. George Fox had taken us to the bank. I gave up the trust patent. My husband and I signed papers. We had money at White Earth, but the agent would not give it to us to pay the mortgage. They asked whether I was a full blood and I said "yes."

Affidavit No. 23.—Ah-woun-ah-quod-oke, dated August 16, 1909. Some time during the month of February, 1909, I and my husband, John De Jordan, were in Detroit, Minn., and while there Mr. E. G. Holmes tried to buy my original allotment, No. 2779 for W. ½, SE. ¼, sec. 36–142–38, 80 acres. I asked $1,000 for said tract of land. Holmes said he would not tell me what he would give for the land until he had looked it over, but gave me $100 at the time. He said after he had looked the land over perhaps he would give me $1,000, and would pay the balance later. I and my husband then signed deeds for the tract. I was not asked whether I was a full blood or not. Joe Bellanger was interpreter. I paid him $5. If I signed any papers stating that I was a mixed blood, I did so without knowing what I was doing, and the same are false, for I am a full blood. Mr. Holmes has not paid me any more money since, except the $100 first mentioned.

I also sold the allotment of my dead child, James De Jordan. This was his original allotment No. 2910 for E ½ SE ¼ sec. 23–142–38, 80 acres. I sold this to Gus Beaulieu five years ago for $650. I understand that this land was sold through the Government Indian office by Agent Michelet, but I have never received any money at all. We signed papers at the White Earth Agency office. I was told that the money was in the Indian office at White Earth. This was a pine allotment and there was a good deal of

timber on it. I did not see Gus Beaulieu pay any money to the Indian agent, and I am not sure that this was a Government sale, though I was led to believe that it was.

I sold the allotment of my deceased father, Shay-now-ish-kung, being the N. ½ of the SE. ¼ of sec. 19–141–39. I sold this to Phillip Converse, of Detroit, Minn., last year, for $150. I signed papers for this deed with Pe-tah-we-gah-bow-e-quay, who was my stepmother. I gave her half of this $150. My husband, John De Jordan, also signed these papers. George Fox was the interpreter, and he was paid by Converse. I was not asked if I was a mixed blood, and, if I signed any papers stating that I was, the same are not true, and I did so without knowing what I was doing, as I was a full blood. I also sold the allotment of my deceased mother, Mah-je-ge-quay-wis. This was her original allotment No. 2778 for SE. NW. and lot 2 of sec. 31–142–37. I sold this to M. J. Kolb, of Ogema, Minn., about three years ago for $100. William Uran was the interpreter. Kolb paid him for acting as interpreter. I was not asked if I was a mixed blood. Ain-dus-so-ge-ne-wah-be-quay, also signed this deed for her mother's allotment. She is my half sister. I gave her (my sister) half of the $100. Kolb returned me the trust patent for this tract of land, but has not deeded the same back to me. Phillip Converse also returned the trust patent for the tract of land he bought, but he has not yet deeded back the land.

None of these papers were read over to me when I signed them, and this is especially true of the tract of land I sold to Phillip Converse wherein George Fox acted as interpreter.

Affidavit No. 37.—Aish-quay-be-tung, dated August 11, 1909. I lost my additional and original allotments. Three years ago I took the trust patent of my original allotment, No. 1708, for E. ½ of NW. ¼, 35–141–38, to Detroit. I think it was Peter Glaum at the courthouse to whom I sold it, for $50 cash, and a pair of horses and a buggy and harness. Before the summer was over both horses died. Mr. Glaum told me the outfit was worth $400. He asked me if I was a mixed blood and I did not know what to say. They put me down as a mixed blood.

Paul Roy was the interpreter. I paid him $5. Glaum took my trust patent.

Two years ago I took the additional trust patent, No. 1279, for W. ½ of NW. ¼ sec. 27–141–38, of my land and went to see E. G. Holmes. I asked him to buy my pine; he paid me $75 cash and later paid me $30. All told, Holmes paid me $300, some in trade and some in cash. Robert Morrison was the interpreter. I paid him $10. Holmes asked me if I was a mixed blood, and I said yes. I signed papers that I was a mixed blood.

Affidavit No. 384.—O-be-me-ge-shig-go-quay, dated August 2, 1909. I sold the pine off my additional allotment, No. 706, for S. ½ SE. ¼ sec. 15–143–38, about two years ago to to E. G. Holmes, of Detroit, Minn., for $200. He gave me $175 cash and $25 in trade. Robert Morrison was the interpreter. I am now a widow. When I sold my pine, my husband was living and signed the deed with me. I did not sell the land; just the pine. I gave the trust patent to Mr. Holmes. Now, I find he has a deed to the land as well as the pine. I do not know if the timber is cut. Holmes said he sold the pine. Holmes did not ask me if I was a full blood; I am.

I sold my original allotment, No. 909, for S. ½ NW. ¼ sec. 10–143–40, last September to Mr. M. J. Kolb, at the bank at Ogema, Minn., for $250. It was hay land. He paid me cash. My son, Joe Roberts, and Joseph Perrault were the interpreters. I told them I was a full blood, but Joseph Perrault said I was a mixed blood.

I think my deceased husband, Ah-wah-cince, or Lawrence Roberts, either sold or mortgaged the allotment of my deceased child to John H. Smith's bank at Detroit, Minn. I was told it was for $200. I received $50 of this. The child was George Roberts. He died 12 years ago.

Affidavit No. 322.—Mrs. Tom Mason, or Ma-zho-dence, dated August 6, 1909. Three years ago I took my original allotment, No. 1727, for S. ½ NE. ¼, 34–141–38, to Detroit. I went to L. J. Norby's store. Mr. Norby came to my camp three times before I agreed to mortgage my 80, for $340. I received $45 in cash and a pair of horses, harness, and a buggy. George Fox was the interpreter. I paid him $5.

They told me to mortgage the above the 16th of June and receive balance of money, but instead of giving me money they told me that when I signed the mortgage on my own land I also sold my own land and that of my deceased child, O-ba-gud-dence. I received no money since. George Fox was present. When they asked me if I was a mixed blood I said no. Fox interpreted for Mr. Norby, "Your husband being a mixed blood, it is all right for you to mortgage your land."

The following winter Fred Sanders came to my house. George Fox came with Sanders, and Sanders stated that he would buy the land. We went to Detroit the next day. Sanders paid me $50 and stated that he would buy O-be-gud-dence's land. At Detroit we signed the papers. I offered the money back and said that I did not wish to sell. He said he would pay me more money when he looked the land over, but he never came.

Last summer I took my additional allotment, No. 1286, for SE. ¼ NW. ¼ and SW. ¼ SE. ¼ sec. 35–142–38, of timber land to Detroit. Mortgaged it to E. G. Holmes for $120. I received $50 and $50 in trade. They asked me if I was a mixed-blood, Indian and I said "No." Mrs. Mee was interpreter. I paid Mrs. Mee $10, the remaining Holmes kept out $20 of this money to pay the lawyer. I do not know why, or what lawyer, they paid.

My husband was present at all of these deals and signed the papers with me.

In the fall of 1907 I took the original trust patent of my deceased mother, Mush-gud-dence, to Park Rapids, to W. R. B. Smythe, and he bought it for $550. He took $50 for the probating, and paid me money in cash. Frank Smith was interpreter. He paid him $20. Both Frank Smith and my husband were drinking before the deal. The buyer asked me if I was a mixed blood, and I said I did not know. Frank Smith said we were mixed bloods.

Two years ago my husband took the trust patents of the original land, No. 1910, for SW. ¼ NE. ¼ and NE. ¼ SE. ¼, 29–141–38, of my deceased father, O-be-gud-dence, to John Briggs, at Briggs's, Frazee. He stated that it was pine timber.

My husband was drinking heavily at the time, and gave his trust patents to him for $200. At the time this occurred Mr. Briggs was a saloon keeper. I was present when my husband was with Briggs. I went in and tried to get this trust patent back, but my husband had already given it to him, and Briggs would not give it up.

Affidavit No. 81.—Bah-day-dah-gwah-see-gay, dated August 14, 1909. That he mortgaged his original allotment, No. 1815, for N. ½ NW. ¼ sec. 26–141–39, to E. W. Davis, of Detroit, Minn., about three years ago to pay that amount which I owed him, mortgage for one year. Before the year was up E. W. Davis sold his land. He did not know who the man was; George Fairbanks was interpreter. That man who bought the land paid him $225, and he told him that E. W. Davis took $80 out of same. He was not asked if he was a full blood. He is.

He mortgaged his additional allotment, No. 1341, to E. G. Holmes, of Detroit, Minn., about one and one-half years ago, for $75. Mortgage was for one year. He does not know if it is foreclosed. He was never notified. He only got $5 cash and $70 in trade at a Blanding & Norby department store in Detroit.

The land covered by allotment No. 1341 is described in footnote as NE. ¼ NE. ¼ sec. 31–142–39 and NE. ¼ SE. ¼ sec. 33–142–39.

Affidavit No. 85.—Bay-bah-ma-ge-wabe, dated July 31, 1909. I lost four allotments. Three years ago I took the trust patent of my deceased daughter, aged 3 (Wauz-zo-sig), No. 1763, for NW. ¼ NW. ¼ sec. 14 and SW. ¼ SW. ¼ sec. 11–141–39, to Detroit. It was pine timber. I went to see E. G. Holmes and he took it to probate and loaned me $25. Holmes said he would sell it and gave me the money. I was asked if I was a mixed blood. Afterwards I received $25 more. Henry Selkirk was the interpreter. I paid him $5. I was drinking at the time. Holmes bought the land from me for $250—$100 in cash and $150 in trade.

At the same time I gave him the trust patent of my dead son, Way-show-wush-squa-no-quod, aged 24. This was No. 1762 for N. ½ of SW. ¼, 28–141–37. Holmes wished to probate it and gave me $25 then, and afterwards gave me $25. Robert Morrison came as interpreter, and I gave him $5.

The next spring I went to Detroit and found Mr. Holmes out. I met George Fox and he said he would look up and see what could be done about the land. He went to the court house, and he said the mortgage is now due. He said, "I will give you $200. Take it or you will lose your land." I took the money and my wife and I signed the papers. Converse asked me if I was a mixed blood, and I said "No." George Fox was the interpreter. I paid him $10. As neither of us could read when we signed the papers I afterwards found out that I had signed away my original allotment also. I went to see Jim Dailey, at Frazee. Chas. Moulton was there. I wanted him as interpreter, but Jim Dailey would not have him. Frank Broker was there and was drunk. I wished to prosecute Phil Converse for swindling me out of my land, but Broker paid me $50 to quiet matters. I took the money. They telephoned to White Earth to ascertain if I was a mixed blood. The reply was that I was a full blood. Frank Broker was so drunk he went to sleep. No one was there but us three. Dailey made out the papers which I signed. They were not read to me. Some white man is farming my land. Old man Perrault signed papers that I was a mixed blood.

I took the trust patent of my additional allotment, No. 1303, for E. ½ of SE. ¼, sec. 9–142–38 to Ben L. Fairbanks, of White Earth. There was good pine on it.

I think the next portion has been read before, so I will omit that. These are all that I have checked up referring to Mr. Holmes—I think I have read about half a dozen referring to him.

Mr. GRAHAM. The committee wishes to announce to those interested that if any witnesses who have testified are needed further, they should be used right away so that they may be excused. I see that Tom Blair is still here. I don't know why; and the old gentleman who testified this morning, and other witnesses. The committee wants, as soon as they can be excused, to let them go to their homes.

Mr. BEAULIEU. I want to ask that the agent produce his books, his check books, for the years commencing 1908, and also the issue books and the check books for 1908. I want to give him time——

Mr. GRAHAM. Will you please describe, Mr. Beaulieu, what you want in writing, so that it may be written into a subpœna? That is the best way.

Mr. BURCH. What is it?

Mr. BEAULIEU. The issue books and the check books which they keep, a record of all issues at White Earth Agency.

Mr. GEORGE. What do you mean by the issue? What agency? Issue of what?

Mr. BEAULIEU. Issue of rations and also lumber and everything, including 1908, 1909, 1910, and 1911.

Mr. BURCH. The superintendent will bring them.

Mr. GRAHAM. Very well, then; no subpœna will be necessary.

Mr. BURCH. No.

Mr. GRAHAM. You want to be careful that they are advised as to the description of the books, Mr. Beaulieu, that you understand each other. The subpœna will be waived.

Recess till 1.30 p. m.

AFTERNOON SESSION.

Mr. BURCH. Mr. Chairman, in order to accommodate Mr. Powell, who wishes to leave for Minneapolis to-day, I would like to offer in evidence a map which Mr. Powell has kindly prepared, showing the timber land acquired by the Nichols-Chisolm Lumber Co., the Wild Rice Lumber Co., and the Park Rapids Lumber Co., also showing the various water courses on the reservation and the means by which the timber was taken from the reservation to the various mills.

Mr. GRAHAM. Do you mean the perspective of it?

Mr. BURCH. That is, the rivers and lakes. The tracts marked "X" have been acquired by the Nichols-Chisolm Lumber Co. and contained timber aggregating about 150,000,000 feet. The tracts marked with a circle were acquired by the Wild Rice Lumber Co. and contained timber aggregating about 20,186,000 feet.

Mr. GRAHAM. Are these tracts shown on the map?

Mr. BURCH. Yes; and I want to call the committee's attention to these figures and names while Mr. Powell, the attorney for these various companies, is here, so that we may have the stipulated facts, as you might call them. The tracts marked with a square were acquired by the Park Rapids Lumber Co. and contained timber aggregating approximately 38,000,000 feet. Now there are also some red marks on this map which show the tracts that were bought by one company from another, or exchanged between the companies in order that each company might have the timber that was on the particular watershed which led to its mills.

Mr. GRAHAM. That is, the division was made according to convenience in transportation rather than according to survey lines?

Mr. BURCH. That is it exactly, and the map also contains notations showing the chain of lakes connected by the Otter Tail River over which the Nichols-Chisolm Lumber Co. took its pine, its logs, to the Wild Rice River and by means of which the Wild Rice Lumber Co. took its logs from the reservation; and also contains marks indicating the pine on the southeastern border of the reservation across which the Park Rapids Lumber Co. hauled its logs by steam haulers.

Mr. GEORGE. Were they traction engines?

Mr. POWELL. They are traction engines that work on runners. Instead of horses to haul the log sleds, they use the traction engine, operating a chain on runners on an ice road, and hitched to a dozen or fifteen sled loads of logs behind this engine.

Mr. GEORGE. Is that the same kind of a traction engine that they use in the West to draw plows?

Mr. POWELL. I am not familiar with that enterprise. I don't know as to that.

Mr. GRAHAM. Your description implies that the logs were hauled only when there was snow on the ground?

Mr. POWELL. That is true. They had to have an ice road to haul out the logs of the Park Rapids Lumber Co. plant. Their roads ran out about to the point marked with an arrow, on the east side of this map. That arrow should be further south, south of section 1-141-37. That is about where the logs left the reservation.

Mr. GRAHAM. Let us make the record and the map to correspond. Will you state where the arrow now is and where you think it ought to be?

Mr. POWELL. It is in the SE. ¼ of SE. ¼ of sec. 1-141-37—that is about as I recall it—where it ran out to this logging road which was constructed some 8 miles further east, to what was called "Two Inlets Lake." There they were dumped on the lake and driven to Park Rapids. The map as it is represented, indicates the portions of the reservation in a general way, where the pine timber is located.

Mr. GRAHAM. I am not certain whether we will be able to have it reproduced in the record, but we will let the printer at Washington determine that.

The map was marked "Burch's Exhibit 56," and received in evidence.

Mr. BURCH. Proceed, Mr. Linnen.

The WITNESS. I will now proceed to read affidavits in which the name of John Carl is mentioned. [Reading:]

Affidavit of Frank Hopfner, white man, dated August 30, 1909.—I am 35 years of age and a resident of Mahnomen County, Minn., residing upon the N. ½ of the NW. ¼ of sec. 32-145-40, in Minnesota.

That some time during the month of November, 1906, I had a conversation with one John W. Carl, who resides at Mahnomen, Minn., with relation to purchasing the above-described land, on which I now reside, and the sale of which was then to be made by the then agent of White Earth Indian Reservation, Mr. Simon Michelet, which tract of land I desired to purchase for a home; and

That the said John W. Carl stated to me that if I would pay him, the said John W. Carl, the sum of $25 he would see that I put in a proper bid so that I would get the land. I agreed to his proposition and paid him the $25. He, the said Carl, subsequently later in the month of November, 1906, drove to my house and informed me that said tract of land was to be sold the following day by the Indian Agent at White Earth, and that he, Carl, had been so informed by Gus Beaulieu, who had gone to see

Carl and advised him; that on the following day I drove with the said Carl to White Earth, Minn., and the said John W. Carl informed me at the hotel at White Earth that if I would give the sum of $876 for the said tract of land, being the N. ½ of NW. ¼ of sec. 32–145–40, I would secure the same. I therefore followed his directions and bid the said amount, filing my bid with the agent, Simon Michelet, and secured the said tract of land for the said amount.

My information and understanding then and now being that my bid for $876 for said tract of land was $1 higher than some other bid for the same tract of land, which was that day sold to be by and through the Indian agent, Simon Michelet, acting for and in behalf of the owners of the said tract.

Subsequently I had to wait about one and one-half years before I could obtain possession to the deed to the said tract of land from the agent, Simon Michelet. I am now residing and farming upon the said tract of land.

Affidavit No. 190.—Kah-ge-gay-aush, dated May 11, 1910. Subscribed and sworn to before John R. Howard, superintendent and special disbursing agent. That about five years ago John W. Carl, of Mahnomen, came over to my place and told me that he was going to buy my land, and I told him I would sell it. Star Bad Boy (agency policeman) and his wife, were there. Carl offered me $600 for the allotment, it being prairie land and my original allotment No. 603 for E. ½ of SE. ¼ sec. 30–145–41. I agreed to sell and the next day I went to Mahnomen to one of the banks where Carl gave me $100 cash and a check for $100, which I afterwards cashed. Later he gave me a pair of horses, harness and buggy, and in the fall a cutter. I signed a paper at the house which I supposed to be an agreement to sell, and at Mahnomen I signed another paper which I supposed was a receipt for the money. I was not sworn to any of the papers, nor did they ask me if I was a mixed blood. I am a full blood, and if I signed any papers stating that I was a mixed blood I did so without knowing what I was signing.

Affidavit No. 308.—Nay-tah-wah-co-ne-gake, dated September 2, 1909. I sold my original allotment No. 3038 for S. ½ NE. ¼ sec. 2–144–42 about two years ago to John Carl, of Mahnomen, Minn. I told him I was a full-blood Indian woman and he knew it. John Carl swore me to the papers. They were not read to me and I did not understand them. I was drinking at the time I made this sale.

I also sold my deceased husband's allotment No. 3371 for S. ½ NW. ¼ sec. 10–145–40. His name was Ay-ne-wash. I sold it to an attorney named Beaum, of Mahnomen, Minn., about two years ago. He gave me $100. There were two other heirs to this estate. He gave me $50 cash and a horse that was no good. I told him I was a full-blood Indian woman. I did not understand the papers I signed. I think I was beat out of this land.

Affidavit No. 223.—Mary Ann Last, dated August 31, 1909. I live in Mahnomen, Minn. I am now but 16 years of age. I sold my allotment No. 3251 for S. ½ SW. ¼ sec. 23–144–42 about one year ago to John W. Carl, of Mahnomen, Minn., for $300. He made this deal with me at the Haskell Institute at Lawrence, Kans., where I was at that time attending school. I signed some papers for Mr. John Carl at the institute. He had the papers all prepared and just took them out of his pocket and had me sign them. He was alone with me. He did not read the papers over to me and I was not sworn to same. This took place in one of the rooms of the Haskell School. He gave me $5 in cash then and sent me some money at different times and paid me more money when I returned to Mahnomen. I do not think he has paid me all of the $300, but I do not know the exact amount of money he has given me. I am now but 16 years of age. I was 16 years old in June, 1909.

Affidavit No. 461.—James Skenk, or Sah-gutch, dated August 27, 1909. I sold my deceased father's allotment No. 3591 for NE. ¼ NE. ¼ sec. 9, and SE. ¼ SW. ¼ sec. 3–145–40 to John Carl, of Mahnomen, Minn., about two years ago for $50. He did not ask me if I was a full blood. I was under the influence of liquor when I sold this to Carl. My dead father's name was Gung-gwash. There were four heirs. None of the others got as much as I. I do not think he (Carl) paid hardly $100 for this land.

I sold my deceased child's two allotments, No. 4666 for lot 2 and SE. ¼ NW. ¼ sec. 19–145–41, and No. 2278 for S. ½ SE. ¼ sec. 35–146–40, to J. J. Lovin, of Mahnomen, Minn., for $7 per acre, or $1,120. This child's name was Ow-ba-ga-shig-o-quay. He paid me $415 and was to pay the cost of probating. He also gave me a note for $30, dated June 19, 1909. (No time for payment is stated in said note.)

Affidavit No. 140.—Gah-gay-ze-goke, dated September 1, 1909. I sold my original allotment No. 2807 for W. ½ SE. ¼ sec. 16–146–41 to John Carl, of Mahnomen, Minn., about a year ago—about July 8, 1908—for $400 cash. He came to my house to buy this land. He came with his brother, Louis Carl. I was sworn to the papers that I signed for John Carl. I was asked and told them that I was a full-blood Indian. I am. I think I was beat out of my land.

I will now read the affidavits affecting C. C. Cooper. [Reading:]

Affidavit No. 10.—Ah-go-yash, dated August 21, 1909. I sold four allotments. Three years ago I went to Mahnomen and saw J. T. Van Metre. I took the trust patent of So-sed, a deceased child aged 20 years, allotment No. 2501, for NE. ¼ SW. ¼, and NW. ¼ SE. ¼ sec. 6–144–40. Van Metre paid me $700 in cash. At the same time he asked me for the trust patent, No. 2500, for S. ½ SE. ¼ sec. 6–144–40, which I gave him. He gave me $500 on it. My son, Paul Smith, was interpreter. Van Metre made out papers that I was a mixed blood and I signed them.

February 12, 1908, Fargo of Ogema, Minn., sent for me. I went there. He said he would buy my two other allotments, one No. 2502 for lot 1 and SE. ¼ NE. ¼ sec. 6–144–40, of my deceased child May-way-gah-no-nind, aged 17, and my own additional allotment, No. 1822, for W. ½ SW. ¼ sec. 14–144–40. Fargo said he would pay me $700 each, which was the price I asked. He gave me $150 on one. I took the other, my additional, to Mahnomen, June 21, 1909, and saw C. C. Cooper. I said I wanted $450. He agreed to the price. He paid me $100 cash. I went for more money and he said none was coming to me. Paul Smith was interpreter in the Fargo deal. I paid him $12.50. We were drinking.

Affidavit No. 445.—Shaw-wah-ne-be-nace, dated August 31, 1909. In April or May a man from Mahnomen, who I was told was C. C. Cooper, came to Tamarack and wanted to buy my land. John Sutton was interpreter. I wanted $600 and he promised me $400. He gave me $50 and I signed some papers. He knew where my allotment was. He asked me if I was a mixed blood, and I said I was an Indian. My wife, Gi-we-tah-kah-mig-go-quay, was there, too, and signed some papers. The papers were read to me, but I did not understand them. On my way home I saw Cooper of Mahnomen, and he made some more papers out and gave me $5 more, and said he would not give me any more until he got a deed of the land. William Thompson was with me and he was interpreter. The papers were read, but I could not understand them. The land is good farming land.

The description of this allotment is No. 3579 for N. ½ NE. ¼ sec. 16–145–40.

Affidavit No. 101.—Day-dah-cah-cum-ig-ge-shig, dated August 23, 1909. Last winter I took the trust patent of my original allotment, No. 2457, for N. ½ SE. ¼ sec. 3–144–40, to C. C. Cooper of Mahnomen. I sold it to him for $200 cash. Cooper did not ask if I was a full blood. Peter Grant was interpreter. I paid him $5, and I was drinking at the time. I signed more papers some time afterwards. My allotment was farm land.

My father died in July, 1908. Three years ago in March he took the trust patent, No. 1791, for S. ½ NE. ¼ sec. 6–142–37, of his additional allotment to Ogema. I do not know which bank he went to, but he sold the timber for $1,400, or thereabouts. At the time of his death I think $700 was still due him; that is what he told me. His estate was probated by some person unknown to me. John Smith, or Win-de-go, was interpreter and would know about it. The heirs have never had any settlement. There are four heirs living—my sister, O-gey-she-ya-she-quay; Isabella; my brother, Ah-bway-qua-unk; and myself.

I will now read affidavits affecting J. T. Van Metre:

Affidavit No. 326.—Nay-tow-wash, dated July 27, 1909. I also sold the timber on the original allotment No. 1880 for E. ½ SE. ¼ sec. 26–142–38, of my deceased daughter, E-quay-zaince, who was about five years old when she died about 10 years ago. I sold this timber to J. T. Van Metre, of Detroit, Minn., about three years ago for $200. Gave me $140 cash and charged me $60 for probating the estate. I do not know who he bought the timber for. I did not sell the land. Mr. Van Metre has the trust patent I never received any fee patents for any land. George Andrews was interpreter.

I sold my additional allotment, No. 1377, for SE. ¼ NE. ¼ sec. 9 and SW. ¼ NW. ¼ sec. 10–142–37 this last spring, 1909, to Frank Hodder for $100 cash. It was cut over land. Mrs. Frank Hodder interpreted. Frank Hodder was purchasing it for some one else, I do not know who. Mr. N. B. Hurr was present in Indian office at Pine Point where I made the deal. Mr. Hurr told Mr. and Mrs. Hodder that I was a full blood. I had sold the timber on this land to Frank Hodder a year ago last winter. Hodder bought it for some one else. He paid me $300 each. Mrs. Frank Hodder interpreted. The timber has been cut.

I also sold the timber on my original allotment, No. 1874, for SW. ¼ SE. ¼ and W. ½ of lot 4, sec. 32–141–37 and No. 4455 S. L. 2–32–142–38, at the same time to Frank Hodder for $300 cash. Hodder was buying timber for some one else. I do not know who.

Affidavit No. 327.—Ne-zhe-cay-we-gah-bow and Kay-be-mah-be-quay, dated July 29, 1909. That they are both full blood Indians. That they brought the trust patent of their deceased mother's (Gee-che-e-quay-zhinse), original allotment, No. 2046 for lot 1 and SE. ¼ NW. ¼ sec. 9–142–37 to N. B. Hurr's office two years ago. Mr. J. T. Van Metre was there. Van Metre wanted the trust patent, and we gave it to him. In April of the same year we had gone to Detroit to have the estate probated. J. T. Van Metre probated it. He made us a loan of $25. We signed papers for the loan. Rose Ellis was interpreter. We said we were mixed bloods. We had been drinking, that is, my sisters and I; my brother was not in Detroit. At Hurr's office Van Metre gave my brother and sisters about $80 each, we think.

Affidavit No. 427.—John S. Rock, or Ah-sin-ne-wa-cumig, July 23, 1909. I sold the pine on my deceased daughter's original allotment No. 1813 for W. ½ NE. ¼ sec. 7–141–39 Her name was Nee-zed. She died 16 years ago, and was 6 years old when she died I had A. S. King, of Lake Park, Minn., probate this estate. King took the trust patent and had me sign papers. This was about two years ago. About a month after I gave the trust patent to A. S. King to probate Mr. J. T. Van Metre, of Detroit, phoned to Mr. Hurr at Pine Point and told him to tell me that A. S. King had foreclosed a mortgage of $250 on this land of my deceased daughter, Nee-zed. I had not mortgaged this land or received any money from Mr. King or anyone else on said land. After I learned about this mortgage I went to Hamilton and Van Metre's office at Detroit with my wife. J. T. Van Metre said he would give me $2,300 for the said pine on the land. I sold the pine on this land to him and my wife and I signed papers, and then he gave me $525. That is all the money I got. Van Metre was to pay the $250 mortgage to A. S. King. Mr. King probated the estate of four of my deceased children. The timber has been cut. After Van Metre had Mr. King probate these four estates he was to pay me the balance of the money due, but he has paid me no more. I was not asked by Hamilton or Van Metre or King if I was a full blood. I sold only the pine. There is a deed of record also conveying the land Van Metre sold to A. W. Reinehart, of Richwood, Minn. Robert Morrison was the interpreter.

Affidavit No. 105.—De-be-scho-gaw-bow-week, dated August 23, 1909. Three years ago my husband, now deceased, took the trust patent of my original allotment No. 2296 for lots 1 and 2. sec. 7–144–41, to Mahnomen, and there was a man from Twin Valley whose name I do not know. He keeps a hardware store in Twin Valley. He sold it to the man from Twin Valley for $800. How much my husband was paid I do not know. All I got of the money was less than a hundred dollars. I do not know who was the interpreter, and my husband was drinking heavily at the time. Some man came up where I was staying and made me sign papers. About the same time my husband sold the allotment No. 2298 for E. ½ SE. ¼, 36–145–42, of my deceased son John, aged 5, to J. T. Van Metre, I think. These two allotments were farm land. He was drinking at the time Van Metre got the trust patents from him. Van Metre paid my husband $300. I got no money, but I got some trade at the store. I did not sign any papers. I do not know who was the interpreter.

Affidavit No. 391.—O-gah-bay-ah-midge-ge-she-goke-quay, August 14, 1909. April 11, 1907, I sold to Hamilton for $1,200, J. T. Van Metre, notary public. Deed of record, said I never signed or sold same, and was never asked if I was a mixed blood. George Andrews and Mr. Van Metre came to my house and offered $1,100 for my timber. I would not sell. Andrews gave me a check for $20, and I gave him the check back the next day and never cashed same.

Affidavit No. 319.—Na-she-kee-sum-e-go-quay, dated July 26, 1909. I sold my pine off my original allotment, described as follows: No. 1746, N. ½ NW. ¼ sec. 21–142–37, to J. T. Van Metre, of Detroit, Minn., two years ago last winter for $1,500 in cash. George Andrews was the interpreter. The pine is not cut yet. I did not sell the land. I was asked if I was a mixed blood, and replied that I was a full blood. Robert Howard and my husband, May-yah-we-go-bow, were present.

George Andrews came to my home four times before I sold, and Van Metre came the last time. I think he bought for the Nichols-Chisolm Lumber Co.

Affidavit No. 234.—Me-sha-ke-yah-bah-dung, dated September 17, 1909. My post-office address is White Earth, Minn. I sold my original allotment, No. 2220, for E. ½ NE. ¼ sec. 28–145–42, about two years ago to J. T. Van Metre, of Mahnomen, Minn., for $450. He asked me if I was a mixed blood and I said I am a full-blood Indian woman. Then J. E. Perrault made an affidavit that I was a mixed blood and he took $50 for this from my money from the hands of J. T. Van Metre. Then said Van Metre took or kept $10 for making out the papers. They took me to the Merchants National Bank of E. G. Holmes, at Detroit, Minn., to sign papers. The papers were not read or interpreted to me and I was not sworn to same. Romain Perrault acted as interpreter. Ed Perrault was also present.

I sold the pine on my additional allotment, No. 1614, for E. ½ NE. ¼ sec. 33–142–38, to M. J. Kolb, of Ogema, Minn., in August, 1909, for $100. Mrs. Annie Davis was interpreter.

I did not understand the papers. I was not sworn. I told him I was a full-blood Indian woman. I signed the papers. I did not sell the land. He said he would estimate the timber and pay me what it is worth. My husband did not sign. Just the interpreter. Kolb, my husband, and myself were present.

Affidavit No. 303.—Nah-may-we-quay, dated August 28, 1909. About three years ago I took the trust patent of my original allotment, No. 2508, for SE. ¼ NW. ¼ and SE. ¼ NE. ¼ sec. 26–144–40, and mortgaged it to J. T. Van Metre for $100, $90 in cash, and charged me $10 for making out the papers. My husband, Chas. Wolfe, was the interpreter. We were drinking at the time. Nelson told my husband when he was in Ogema that he would pay Van Metre for the mortgage, and would give me $100 more. We both went over and saw Nels Nelson, the saloon keeper in Ogema; instead of paying me the $100 he gave me $15. When we drove up in front of his saloon he came out and carried in the baby and let us warm ourselves, and gave us frequent drinks. We signed the papers. He did not ask about our blood relationship.

Affidavit No. 489.—Way-way-zhe-o-quay, dated July 29, 1909. I mortgaged my deceased husband's (Wah-be-sishe) original allotment, No. 2077, for N. ½ SW. ¼ of sec. 36–141–38, to A. S. King, of Lake Park, Minn., three years ago for $50 cash. I do not know whether it had been probated. I signed papers. My granddaughter, Jennie Rock Bellanger, was present. I gave Mr. King the trust patent. Frank Smith was interpreter. I paid him $5. John S. Rock was also present. There was jack pine on the land. I have heard nothing since I got the patent. They asked me if I was a mixed blood and I said "No." J. T. Van Metre came to my house in the spring of 1908 and asked to buy the pine on my original allotment, No. 2078, for E. ½ SW. ¼ sec. 33–141–38. I said I would sell. He paid me $47 in cash. The pine has been cut. I said I was a full blood when Van Metre asked me about it. He took the trust patent. George Andrews was the interpreter.

The Ponsford Bank bought the land of my original allotment last fall for $74 cash. I signed papers. The bankers said nothing about the trust patent. Willie Andrews was interpreter. Mrs. Frank Hodder was there.

I will now read affidavits affecting Mr. Fred Sanders. [Reading:]

Affidavit No. 425.—Pete Reese, dated August 3, 1909. In the summer of 1906 my wife and I went to Detroit with the original trust patent of my wife's allotment No. 1868 for SE. ¼ SW. ¼ and SW. ¼ SE. ¼ sec. 17–141–38 and the trust patent of my own original allotment No. 2535 for N. ½ SE. ¼ sec. 10–141–37. My wife's allotment was pine and other timber and mine was farm land. I mortgaged my land to Mr. Whipple in Peter Schroeder's office. I mortgaged my own land for a pair of horses and buggy valued at $425 and $25 to Mr. Whipple. The horses soon died. Peter Schroeder made out the papers. My wife handed her trust patent to Schroeder to find a buyer. Robert McKee was present. Joe Brunett was the interpreter. Whipple and Joe Brunett gave us drinks of whisky before the deal. We signed papers. They said they thought both of us to be mixed bloods. I said I did not know.

In the fall of 1906 we went to Detroit with four trust patents. These were all of deceased persons. One for allotment No. 2872, for NW. ¼ NW. ¼ and lot 1, sec. 20–141–38 of husband, Way-ge-cha-go-skung; and No. 1870 for E. ½ SE. ¼ sec. 17–141–38 of Benjamin, a deceased son, aged 18, and No. 1872 for N. ½ NW. ¼ sec. 22-141-39, of Day-Dodge, a small girl; and No. 1871 for SW. ¼ NE. ¼ and NW. ¼ SE. ¼ sec. 17–141–38, of Saw-zed, a girl. We went to Banker A. F. Anundsen's office and met him and Fred Sanders. Anundsen said he would loan us $300 in cash and would give us more after he saw the land. We signed papers. Min-o-gee-shig was interpreter. We were not asked if we were mixed bloods. A short time afterwards we were sent for to come to Detroit to sign papers for probating these lands. We did so and asked for money. Lawyer Carman, who probated these lands, said that we had sold them to A. F. Anundsen at the time we received the $300. We were drinking, and also when we probated the lands. Robert Morrison was interpreter. Of these lands one was pine and the rest farm lands.

In January, 1907, we went to Detroit, Minn., with the original trust patent, No. 1869, for E. ½ NE. ¼ sec. 17–141–38, of Bug-go-nay-cumig-wabe, aged 20, a deceased son by my wife's former husband. It was timberland. We handed the trust patent to Fred Sanders and he gave my wife $25 and a check for $50. We could not get money on the check until six months later. He said he would pay us more later. We signed papers. He did not ask if I was a mixed blood. Thomas Swan was interpreter. We were drinking. Fred Sanders gave me 50 cents and said to buy drinks.

In the spring of 1908 we went to Detroit, Minn., with one trust patent, additional allotment No. 1376, for SW. ¼ NW. ¼ and NW. ¼ SW. ¼ sec. 25–141–39, of Benjamin, the dead son referred to above. We mortgaged it to A. F. Anundsen for $45 for no set time. Mrs. Mee was interpreter. We were drinking at the time we signed papers.

Affidavit No. 322.—Mrs. Tom Mason, or Ma-zho-dence, dated August 6, 1909. Three years ago I took my original allotment, No. 1727, for S. ½ NE. ¼, 34–141–38, to Detroit. I went to L. J. Norby's store. Mr. Norby came to my camp three times before I agreed to mortgage my eighty for $340. I received $45 in cash and a pair of horses, harness, and a buggy. George Fox was the interpreter. I paid him $5.

They told me to mortgage the above the 16th of June and receive balance of money, but instead of giving me money they told me that when I signed the mortgage on my own land I also sold my own land and that of my deceased child, O-ba-gud-dence. I received no money since. George Fox was present. When they asked me if I was a mixed blood I said no. Fox interpreted for Mr. Norby, "Your husband being a mixed blood it is all right for you to mortgage your land."

The following winter Fred Sanders came to my house. George Fox came with Sanders and Sanders stated that he would buy the land. We went to Detroit the next day. Sanders paid me $50 and stated that he would buy O-be-gud-dence's land. At Detroit we signed the papers. I offered the money back and said that I did not wish to sell. He said he would pay me more money when he looked the land over, but he never came.

Last summer I took my additional allotment, No. 1286, for SE. ¼ NW. ¼ and SW. ¼ SE. ¼, sec. 35–142–38, of timberland to Detroit. Mortgaged it to E. G. Holmes for $120. I received $50 and $50 in trade. They asked me if I was a mixed-blood Indian and I said no. Mrs. Mee was interpreter. I paid Mrs. Mee $10; the remaining, Holmes kept out $20 of this money to pay the lawyer. I do not know why, or what lawyer, they paid.

My husband was present at all of these deals, and signed the papers with me.

In the fall of 1907 I took the original trust patent of my deceased mother, Mush-gud-dence, to Park Rapids, to W. R. B. Smythe, and he bought it for $550. He took $50 for the probating, and paid me money in cash. Frank Smith was interpreter. He paid him $20. Both Frank Smith and my husband were drinking before the deal. The buyer asked me if I was a mixed blood, and I said I did not know. Frank Smith said we were mixed bloods.

Affidavit No. 209.—Kay-she-way-we-dung, dated July 29, 1909. Three years ago I went with the trust patents of my original allotment No. 2036 for E. ½ SW. ¼, sec 22–141–38, and my deceased son's (Ah-wah-see-nee, who died about nine years ago, 1 year old when he died) original allotment, No. 2038, for E. ½ NW. ¼, sec. 27–141–38, both of pine timber, to W. B. Carman, of Detroit, Minn. I mortgaged both of them for $140. The interpreter, Frank Smith, told me the mortgage was for five years. Carman paid me $70 cash and $70 trade. I gave Smith $10. I sold the land to Fred Sanders of Detroit the following winter and Sanders said he would pay the mortgage. Sanders gave me $25 cash and a pair of broncho horses, not very good, and a sleigh. I was drunk when I made the sale to Fred Sanders. When they were making the papers out for these two tracts of land for me to sign, Fred Sanders asked me if my wife had any land and I told him "Yes." He made out the deeds for three eighties, instead of for my two eighties, including my wife's original allotment, No. 2557, for lot 3 and SE. ¼ NW. ¼, sec. 3–141–37 (Puck-e-no-gay-quay). Sanders afterwards came to my house and asked for my wife's trust patent and took it. My wife signed the papers also, at the First National Bank, Detroit, Minn. William McDonald was interpreter. I paid McDonald $5. They did not ask me if I was a full blood. The mother of my deceased son whose land I sold, Ah-wah-seence, was Me-shah-ke-no-de-no-quay, now dead. She was a full blood. I was the only heir of said deceased son. His estate was not probated.

I mortgaged my additional allotment, No. 1486, for W. ½ SW. ¼ sec. 26–142–38, to E. G. Holmes, of Detroit, Minn., last summer for $15. Do not know for how long. Holmes gave me check for $15. Made the mortgage in Mr. Holmes's office. I have not paid the mortgage. I did not sell the land. My wife did not sell the mortgage. David Martin interpreted. I paid him $5 out of the $15.

Mr. BURCH. Just a moment, Mr. Linnen. I thought I detected, in some instances, some discrepancy there as to dates. I will ask you now, were there allotments made in some instances to persons already deceased, do you know?

Mr. LINNEN. I think there were some few instances of that kind, but this was the original allotment made to this boy before he died.

Mr. BURCH. That is all right, then. It clears it up as far as this one goes, but I ask if you did find instances where allotments had been made to persons already deceased, and how many instances you found?

Mr. LINNEN. I couldn't state that. I have no record here.

Mr. BURCH. Very well, go ahead.

Mr. LINNEN (reading):

Affidavit No. 280.—Mun-do-muck-koonce, or Ruth Reiley, dated August 6, 1909. I lost two allotments. I took the minutes of my original trust patent, No. 1727, for N. ½ SE. ¼ sec. 34–141–38, and the minutes of my additional trust patent, No. 1288, for NE. ¼ NE. ¼ and NE. ¼ of SE. ¼ sec. 29–143–38, last summer to Fred Sanders to mortgage. The mortgage was for one year. He gave me a pair of horses and harness and $75 cash. The horses lived about two months. Pete Reiley, my husband, was the interpreter. The 1st of May this year the mortgage was closed. George Fox was present. George Fox and Fred Sanders said that my father was a mixed blood.

Banker A. F. Anundsen retained $10 of the money. One of my allotments was pine timber and the other was farm land.

Affidavit No. 328.—Nay-tu-me-ga-bow-e-quay, dated July 27, 1909. I went to Detroit three years ago with the trust patent of my original allotment, No. 2108, for W. ½ SW. ¼ sec. 24–141–37, because Fred Sanders came after me. Gay-pah-gah-na-quod went with me. We went to Sanders's office. He asked for my original trust patent and also for a deceased daughter's, Ah-be-taw-wa-cum-e-go-quay, age 5, No. 2110, for E. ½ NW. ¼ sec. 25–141–37. He took both of these. George Fox was interpreter. Sanders gave me $100 for my original allotment and nothing for the other. He paid me in cash. Sanders told me he was buying the land. I was asked if I was a mixed blood, but said "no." I signed papers. I asked for the trust patent of my girl and he would not give it up. I do not know whether he probated it or not.

The following summer I went to Detroit with two trust patents of deceased sons, Ne-be-day-gaw, aged 2, allotment No. 2111, for W. ½ SE. ¼, sec. 6–141–39, and Tong-gway-way-ah-nu-quod, age 6, allotment No. 1816, for lot 1, sec. 6, and lot 4, sec. 5–141–39. These were hardwood timber. I went to see Fred Sanders at the bank to sell the two tracts. He took both of the trust patents and said he would keep them for me. He gave me $300 in cash. Joe Bellanger was interpreter. Sanders said he was buying the allotment I had mortgaged, and was simply advancing me $300 on the two patents left with him that day. They asked me if I was a mixed blood and I said I did not know. Three years ago I took my additional allotment, No. 1525, for lot 3 and NW. ¼ SE. ¼ sec. 8–142–38, of pine timber, to Fred Sanders, of Detroit, to mortgage. Fred Sanders loaned me $15 on a year's time. A woman interpreted. In the fall, two years ago, Fred Sanders, of Detroit, loaned me $100 on all the allotments I had left with him.

The last time I went to see him he said he had bought all of the allotments and would not give me more money. Mr. and Mrs. Frank Hodder came to see me last winter and wanted to buy my deceased son, Bug-ga-mo-way-gee-shig, age 12. It was his original allotment, No. 2109, for E. ½ SE. ¼ sec. 24–141–37. They paid me $75 for the land. They asked if I was a mixed blood and I said I did not know. They took the trust patent. George Andrews was there, also Chester Hardy.

Affidavit No. 370.—O-me-du-yea-quay, dated August 25, 1909. I had two allotments of my own, original No. 1890 for W. ½ SE. ¼ sec. 36-145–42 and additional No. 1387 for lot 6, sec. 3, and NE. ¼ SE. ¼ sec. 4–141–39; one of my deceased husband, Kah-ke-aince, No. 3226, for E. ½ SW. ¼ sec. 13–144–42, and one of my dead son, Way-wind-tig, No. 1751, for ¼ NW. ¼ sec. 20-141-37.

Three years ago I sold my original allotment (see above) at Mahnomen, Minn., to Lawyer Beum. Joe Flammaand told me that Lawyer Beum would give me $500. Flammand took me to the lawyer's office and when I got there they gave me a little less than $40, and bought me a little house on this side of the railroad that they charged $70 for, and gave me a little furniture—one bedstead, two chairs and a little table and a small cook stove. They asked me if I was a mixed blood and I told them "no." Joe Flammond was interpreter. After that Flammond would come to my house and give me a dollar, sometimes it was 25 cents; after a little while he told me that my money was all gone.

Last summer, 1908, I sold my additional allotment (see above) in Detroit, Minn., to Fred Sanders. The first time I went down to see him I was going to mortgage the land. He gave me $30 and then I went down again and he gave me $10 more, and the next time he gave me $60 and told me that was all, that he had already bought the land. I think I made my mark on four papers (or four times on the papers). The land was

pine land. The pine has not yet been cut. The first time I went to Detroit I had Mrs. Mee for interpreter; I paid her $5. The third time Joe Flammond was interpreter. They asked me if I was a mixed blood and I told them no.

Two years ago I sold my deceased husband's allotment (see above), at Mahnomen, Minn., to Charles and Levi Sanders, and was to get $500. There were six heirs. I got $60. Three daughters got $60 each, and the other two children, who are minors, never got anything. One of these minors is now dead. That is all anybody ever got. They did not ask if I was a mixed blood. It was farm land, a mile or so from Mahnomen, across the river.

About two years ago I sold my deceased son's allotment (see above) to J. T. Van Metre, of Mahnomen, Minn. It was farm land, at Pine Point. Joe Flammond showed me a check and said it was for $47. Then he went to the bank and got the money. He gave me $47, which he said was all he got. That is every dollar I ever got for it. I do not know how much Flammond took out.

Affidavit No. 415.—Pin-de-gay-o-say-quay, dated July 26, 1909. I sold my original allotment, described as follows: E. ½ SW. ¼ sec. 24–141–37, No. 1698, to Fred Sanders, of Detroit, Minn., two years ago. I do not know for how much. He gave me some money. I can not count money and do not know how much. He came after me and took me to Detroit. There was present George Fox, interpreter, and my son, Be-zhe-kee-wudgei. I signed papers for Fred Sanders at the First National Bank of Detroit. I was not asked if I was a full or mixed blood. There was some pine on the land. George Fox was paid (took his pay) for interpreting; I do not know how much. I also sold the pine from my deceased son's allotment. His name was Gay-bay-gwon. He was about 20 years old when he died. It was his original allotment, described as follows: No. 1700, W. ½ SE. ¼ sec. 24–141–37. Sold it to Fred Sanders also. Do not know how much money I received for it. George Andrews came and took me to Sanders at Detroit and interpreted. This was about two years ago. I got no money then, but Sanders gave me a check. Don't know how much. George Andrews took it and paid my hotel bill and gave me no money. Sent me money later. Twenty-five dollars a month for one year. Sanders sent it by check. The pine has been cut. My husband's name was O-ge-ma. He was a full-blood Otter Tail Pillager, now dead. My dead son was a full blood. I told Sanders he was a full blood. My son's estate was not probated.

This is a separate one, not numbered:

Affidavit of Ke-me-wah-nah-nah-quod, or Jack Rabbit.—Dated August 12, 1909. My name is as above stated. I was the father of Ish-quay-gwon-abe, who is now deceased and was my son. Fred Sanders, of Detroit, Minn., told me before my son's death that he wanted to buy the timber from my son's allotment. I went to Frazee City, and Sanders came over there. My boy was very sick and very low. My son was 14 years old. He was very sick, and he told me "Father, you had best sell my timber." Sanders told my son he would give $2,500 for the timber. I said no, but son said I had better take it. Then I sold the timber to Sanders, because I needed the money on account of my son's illness. My son died in December, 1908, having lived about a year after he sold this timber. When my son sold this timber he was 14 years old. He signed the paper to sell it, and my wife and I also signed. I did what Sanders told me to do after my son's death.

Sanders was keeping some of the money for me, but I could draw it as I wanted it. He told me that after I had used all the money from the sale of the timber, that my son had left, that he (Sanders) would look after me and my wife all our lives. After my son died, Sanders had my wife and myself sign another deed for this timber. After my son's death Sanders made presents to my wife and myself; he gave us clothing. Sanders gave me an overcoat, and gave my wife and daughter clothing; and gave an overcoat to my son-in-law. Fred Sanders asked me to adopt him as my son after the death of my own boy, and I did so, and he told me that he would take care of myself and my wife as long as we lived. We had a ceremony when I adopted Sanders, and he called some man well known in Detroit, Geo. Fairbanks, a man named Charley, and Ah-bow-e-ge-shig, to be present. I signed some papers adopting Sanders, as I supposed. Sanders most always gave us something, and asked me to go to his house and stay. The papers they read over to me when I adopted him were something about the business of my dead son. Some of the papers that were read to us stated that Fred Sanders was adopting my wife and myself as parents. I do not know the name of the man who drew up the papers. He was a small man, and I have never seen him since. I think Mr. Sanders has paid me all the money. I understand that my dead son's estate was probated. The banker at the First National Bank at Detroit had done this. The timber on my dead son's allotment has not yet been cut. There is a great deal of timber on this allotment. I do not know whether Sanders sold this timber to anyone else.

When Special Agent Moorehead was here last spring at Pine Point, I came and stayed here at the agency for several days. I was under his (special agent's) protection because I learned that some attorney at Frazee, Minn., had sent word that Fred Sanders and a deputy marshal were coming up here to arrest me. At that time Fred Sanders went to my house and talked with my wife, and told her that he would pay us every cent he owed us. The latter part of July, 1909, Sanders sent for me to come to Detroit. When I got down to Detroit he questioned me about who were full bloods and who were mixed bloods. Sanders pay Nay-tow-ah-cumig-ish-kung and myself $26 each per week to testify as to who are full bloods and who are mixed bloods. He did not take this down in writing. There were present only myself, Nay-tow-ah-cumig-ish-kung, Mrs. Mee, who acted as interpreter, and Fred Sanders. He questioned me about those people who are telling a lie and claiming that they are mixed bloods.

I know pretty well the parents and grandparents of some of these people, and they are full bloods, and both Nay-tow-ah-cumig-ish-kung and myself told Fred Sanders that these people who are claiming to be mixed bloods are full bloods and that their parents and grandparents are full bloods. I told him the truth, so far as I knew, as to who were full or mixed bloods. Most all of the people he asked me about were full bloods; a very few were mixed bloods. He told me that he had bought land of these people whom I told him were full bloods.

I also told Fred Sanders at the time he was buying the lands of these full bloods, "Don't you know that these Indians are full-blood Indians, and that you will have to face it?" I thought that good advice I was giving the man I had adopted as my son, but he did not follow my advice. Mr. Sanders believes now that I told him the truth, now that he sees what is going on, and that he should have followed my advice. I would not have told this if I had not known about it. When the law was passed saying that the mixed bloods could sell their lands, and they were selling them, Robert Morrison told me, "Uncle, don't ever sign any papers stating that a full blood is a mixed-blood Indian," and I have never done so, if I knew what I was signing.

Mr. DENNIS. May I have the interpreter's name, Mr. Linnen? I would like to inquire about that.

Mr. LINNEN. At the time this affidavit was taken, at Pauneeforte, we had three interpreters, Rose Ellis, Charles Moulton, and John Lufkens. This witness was a gentleman of your own name, Mr. C. C. Dennis.

Mr. DENNIS. Both interpreters swore to interpreting that affidavit?

Mr. LINNEN. I have not that paper attached; but it was done.

Mr. DENNIS. You have some recollection of the affidavits taken by yourself?

Mr. LINNEN. Most assuredly.

Mr. DENNIS. And you remember the statement that Jack Rabbit said that no person was present except Fred Sanders and Nah-tow-ah-cumig-ish-kung and himself—do you remember that statement?

Mr. LINNEN. I remember that this affidavit was reduced to writing from statements that he made, and that before it was signed by him it was read over and interpreted to him, and he certified that all the statements in there were his statements and were true, and that he signed and swore to it.

Mr. DENNIS. Did you hear him make a statement that there was no other person present excepting those interested in the affidavit?

Mr. LINNEN. I certainly did, because I took that affidavit myself, and there is no statement in there that is not his statement, and it is a true and correct record of what he then said.

Mr. DENNIS. That is all I want to know. He testified in there that he made no affidavit of persons being full bloods that were not or of persons being mixed bloods that were not.

Mr. LINNEN. If he knew what he was signing, he says.

Mr. DENNIS. Well, I would like to say, for your information and that of the committee, that I have about a hundred affidavits made by Jack Rabbit and Nah-tow-ah-cumig-ish-kung, for which he says

Mr. Sanders paid them $26 a week, and they were taken before me in my office as an attorney at law and notary public, sworn to by them through competent interpreters, and I shall be very glad to introduce them before the committee, and I intend to, before you get through, showing who are mixed bloods and who are full bloods. And his statement that this information was not taken down is not true; and he is in the city.

Mr. GRAHAM. Well, you will remember about this, Mr. Dennis, and offer it in your own way when the proper time comes.

Mr. DENNIS. I shall be glad to, but I wanted to call it to the committee, or to Mr. Linnen's special attention, so that he would not overlook it.

Mr. LINNEN. Now, I will take up some affidavits wherein G. K. Fargo's name is mentioned.

Affidavit No. 58.—Rosie Badboy, dated August 28, 1909. In the summer of 1908 I sold my original allotment, No. 4048, for W. ½ SE. ¼ sec. 29-144-40, to Fargo, of Ogema, for $300 in cash. Charley Peake was the interpreter. I paid him $15 for interpreting. My father said I was a mixed blood. Mr. Fargo asked if I was a minor, and I told him I was a minor. He did not say anything. My father and aunt were present.

In January, when I was of age, I went to Callaway with the additional allotment No. 2534 for lots 3 and 4, sec. 23-142-40, and saw the butcher, and all I got was $15.

I don't know who she meant by that, but that was her statement.

Affidavit No. 65.—Mrs. Louis Bellcour, or Lizzie Porter, dated August 31, 1909. I reside at the present time at Duane, in Mahnomen County, Minn., and am a mixed blood of the Chippewa Tribe and had two allotments.

I sold my original, No. 3596, for S. ½ SW. ¼ sec. 32-146-40, about one year ago to a Mr. Holton, who was a real estate dealer of Grand Forks, N. Dak. He purchased the same from me at Duane, Minn., and gave me $200 for same. At that time when I sold this land I was only 16 years of age.

In October, 1908, I mortgaged my additional allotment, No. 3030, for E. ½ SW. ¼ sec. 3-146-38, to Messrs. Fargo and Baker, of Ogema, Minn., for the sum of $240. This money was never paid to me or to my husband. In March, 1909, I sold my additional allotment to Mr. Waller, a banker at Waubun, Minn. He agreed to pay $100 for same and to pay this mortgage of $240 on which I never received 1 cent. He has paid me $50 to date and said he would pay me the remaining $50 when my husband signed the deed, my husband having not yet signed said deed. Mr. Waller also charged me $10 for drawing up these papers. I will not be 18 years of age until March, 1910. This is a fact, which I know from talking with my mother, my aunt, and other relatives, who know positively as to my age.

Affidavit No. 301.—Nay-nah-e-gwa-nay-be-quay, dated August 21, 1909. Deponent further testifies that she took the trust patents of her additional allotment, No. 1695, for N. ½ SE. ¼ sec. 3-145-39; her deceased husband's (O-zhow-waush-ko-be-nais) original allotment, No. 2308, for E. ½ SW. ¼ sec. 9-145-39, and the patent for her deceased son (age 38) Kay-baish-kung's original allotment, No. 2310, for E. ½ SE. ¼ sec. 5-145-39, and mortgaged them to G. K. Fargo, of Ogema, Minn., for $44. Sam Smith was interpreter. I was drinking at the time. This was two years ago last winter. They asked if I was a mixed blood, and I said I was an Indian.

Affidavit No. 450.—Sha-bahsh-kung, dated July 31, 1909. I mortgaged my original allotment, No. 2063, for SW. ¼ NE. ¼ and lot 2, sec. 2-144-40, to Mr. G. K. Fargo, of Ogema, Minn., for $500 about one and one-half years ago. He gave me a team of horses, a light pair of bobsleighs, harness, and 25 bushels of oats, but no money for this $500 mortgage. The mortgage was to run for five years. First Fargo offered to buy said land and said he would give me $900 for the same, but when I went to Ogema, Minn., he gave me instead the mortgage and things above mentioned. G. K. Fargo came up to Beaulieu to see me, and we made the trade there. Sam Smith (Aun-dah-o-nahb) was the interpreter. G. K. Fargo asked me if I was a mixed blood, and I told him "No," that I was a full blood. I have since found out from the register of deeds of Mahnomen County that G. K. Fargo has sold my land, so I think I must have signed a deed. I went to Fargo after I found out he had sold my land and asked him if I was to get any money, and he said "No," nothing was coming to me.

I also mortgaged my additional allotment, No. 1499, for lot 1 and SE. ¼ NE. ¼ sec. 21–146–38 to an attorney (whose name I do not know) at Fosston, Minn., about one and one-half years ago. I do not know how much the mortgage was for. He gave me $25. I told this man that I and all of my parents were full bloods.

I sold the original allotment, No. 2064, for W. ½ SW. ¼ sec. 20–145–40 of my deceased son Ah-be-taw-wah-mah-ge-gway-gah-bow, who was 22 years old when he died, about 10 years ago. I sold this land to Mr. Waller, of Waubun, Minn., about one and one-half years ago. I received altogether $135. This, including the probating which was $50. Cash $85. Mr. Waller charged me $40 for going and looking at the land. The deed was for $500. Waller first offered me $900 for this land. Mr. Waller sold this land to G. K. Fargo. G. K. Fargo gave me at different times $160 on account of the land of my dead daughter, Bug-nay-shesh.

It was the original allotment of Bug-nay-shesh; he said he would probate this. I signed papers for him. I did not sell this land. This was a year ago last spring, in March. I gave Mr. Fargo the trust patent. He said he would charge me $100 for probating.

I also left the trust patent of my dead son's additional allotment No. 1500 for E. ½ NE. ¼ sec. 21–146–39 last summer with G. K. Fargo to be probated. This dead son's name was Sang-gwa-way-kah-mig-gob. Mr. Fargo advanced me $25 at that time. I did not sell this land. Mr. Fargo holds the trust patent to probate it. This son died a year ago last summer and was 25 years old when he died.

A short recess was here taken.

Mr. GRAHAM. Proceed, Mr. Linnen.

Mr. LINNEN. I will now read from affidavits which mention Levi and Charles Saunders. [Reading:]

Affidavit No. 251.—Me-sha-kee-bin-nay-seek, or Mary, dated September 1, 1909. About three years ago I sold my only allotment, No. 3221, for W. ½ NE. ¼ sec. 11–144–42, to Levi Sanders, of Mahnomen, Minn. He said he would pay $900, but has only paid small amounts. I think about $200. Sanders gave my husband and myself money and told us to buy liquor. He asked if I was a full blood and I said I was half French. We were pretty drunk by the time we got through signing papers. I said I was half French because Sanders had given me money for liquor and I was under the influence of liquor. I know that I am a full blood.

Affidavit No. 370.—O-mo-du-vea-quay, dated August 25, 1909. Two years ago I sold my deceased husband's allotment (see above) at Mahnomen, Minn., to Charles and Levi Sanders, and was to get $500. There were six heirs. I got $60; three daughters got $60 each, and the other two children, who are minors, never got anything. One of these minors is now dead. That is all anybody ever got. They did not ask if I was a mixed blood. It was farm land, a mile or so from Mahnomen, across the river.

Affidavit No. 485.—Wash-kee-zid, dated August 26, 1909. Two years ago I sold the allotment of my stepfather, Do-do-she-kens, for $800 to H. C. Aamoth, of Mahnomen, Minn. I do not know who was the administrator. I received $200 and my sister Margaret, or O-gus-stein, received $40. She is only 14 years old now. That is all the money she got. He says the rest is in the bank. No. 3210 for E. ½ NW. ¼ sec. 11–144–42.

Next I sold the allotment of my dead brother, William, or O-gush-sta, to Joe Flammand, of Mahnomen, for $200. I got $105. My two brothers and my one sister living now got nothing. No one else got anything. No. 3216, for W. ½ NW. ¼, sec. 11–144–42.

I sold the dead allotment of my mother, Ke-she-ge-bow-week, to Joe Flammond. I gave him the trust patent and he did not tell how much he would give for it. I got $105. He did not say anything about any more money. No. 311, for W. ½ SE. ¼, sec. 13–144–42.

Before I sold these three dead allotments I sold my own allotment to Charley Sanders for $600. Before I sold it I had mortgaged it for one horse and $20. He charged me $150 for the horse. The mortgage note was $200, and all I got was the horse and $20. When I sold it the price was $600, but all I got above the mortgage was $89. I do not know what he did with the rest of it. I asked him to give it to me and he says, "You do not get any. I give you all." When I sold the dead allotments I had been drinking, and Joe Flammond was in the saloon with me. Afterwards I gave him the trust patents and he gave me the money. I signed papers and I do not know what they were. No. 3212, for W. ½ NE. ¼, sec. 24–141–42.

Affidavit No. 305.—Charley Weese, or Nay-gwa-be-nace, dated September 2, 1909. I sold my only allotment, No. 3030, for lots 5 and 6, sec. 18–141–42, last fall (1908) to Charles Sanders, of Mahnomen, Minn., for $45 and a small watch. William Bru-

nette interpreted. I was not asked if I was a full blood. I am. The papers were not read over to me. I was not sworn. I asked $550 and Sanders told me he would give me that much for my land. I asked for more money, and he said, "Get out," and he motioned me out. I was under the influence of liquor at the time.

I will now read affidavits in which A. S. King is mentioned. [Reading:]

Affidavit No. 268.—May-zhuc-e-gwon-abe, dated July 29, 1909. I live near Pine Point School. I sold my original allotment, No. 2781, for S. ½ of NE. ¼ of sec. 5–141–37 two years ago to A. F. Anundsen, of Detroit, Minn. He said he would pay me $650 for this land. It was farm land. He paid me $117 cash and said he would pay A. S. King $125, which I owed him on a mortgage on my dead son's original allotment, No. 2784, for N. ½ of NW. ¼ sec. 21–141–37. Son's name was Nay-pum-e-ge-git. He also paid $60 to some man whose name I do not remember for a horse I bought. In all, he paid $302. He told me he had paid $100 for probating my dead son's estate. Mr. Fred Sanders got me to drink, and after I had drank with him twice then we made the deal. My son, Willie Bassett, was with me. He is now 20 years of age and living. They made him sign with me and told him if he did not sign they would put him in jail. We both signed, and my wife, Ma-zen-ne-ke-zhig-o-quay, also signed in the First National Bank at Detroit, Minn. George Fox was interpreter. I paid him $5. They asked me if I was a mixed blood and I said, "No."

At the time I mortgaged my dead son's allotment to A. S. King he also took the trust patent of my dead daughter-in-law's allotment, Ge-be-bwa, and refuses to give it back. I gave the trust patent to my dead daughter's original allotment, No. 2794, for E. ½ of NE. ¼ sec. 32–142–38 to Frank Broker, and he gave it to J. J. Dailey, of Frazee, Minn., and he will not give it back. Her name was Ge-zhe-ba-bin. She died about two years ago and was then about 11 years old. He did not sell this land or pine. This estate has not been probated.

About two years ago I sold my dead son's original allotment, No. 2784, for N. ½ of NW. ¼ sec. 21–141–37, named Nay-tum-e-ge-git, to Phillip S. Converse, of Detroit, Minn. He said he would give me $600. He paid me $40 cash and $100 in trade at J. W. Nunn & Co.'s store at Ponsford, Minn. The estate was probated. I signed, but my wife did not. I would not give the trust patent. John St. Luke was interpreter. Converse asked me if I was a mixed blood, and I told him I was a full blood.

Affidavit No. 414.—Puck-e-no-gay-quay, dated July 23, 1909. I had a daughter, Ellen Aiken, born in January, 1894, died in August, 1895. Her father died in 1898. This deceased child was made allotment No. 2559 for W. ½ of the NW. ¼, sec. 36–142–37. About three years, I, her mother, was the sole heir at law, and being a full blood, sold the timber on this land to the Park Rapids Lumber Co. I made the deal with W. A. Burnett. He paid me $500 for the timber in cash. I did not sell the land. I signed the papers at Aspinwall's store at Ponsford, Minn. George Andrews was the interpreter. They did not ask if I was a full blood. The child's estate was not probated. They have cut the timber. I just sold the White and Norway pine and they cut all of the timber on the land. I sold the land of my deceased daughter, Katie Aiken, aged 2 years, when she died. She died 10 years ago. Her original allotment, No. 2561, for lots 1 and 2, sec. 5–142–42, was sold by me three years ago to A. S. King, of Lake Park, Minn., for $350. Mr. King only paid me $250. It was farm land. Frank Smith was interpreter. I paid him $10. My present husband was with me (Kay-she-way-we-dung). I was the only heir of this child by my former husband, deceased. The estate of this child was not probated. They asked me at the time I made the sale if I was a full blood, and I told them that I was.

Affidavit No. 424.—Minnie Rock, or Mo-ke-quo-mah-quay, dated July 29, 1909. A. S. King came to my house, to my original trust patent No. 1811 for SE. ¼ of SE. ¼, sec. 1–141–40 and lot 7, sec. 6–141–39. I told him I could not sell my pine land. He came later to see my husband, James Bunker, about his pine land. James Bunker is a mixed blood. King loaned us $230 on James Bunker's pine, and we signed papers. I have the trust patent of my original tract. I did not sign my land away. A. S. King tried to make me a mixed blood, but I told him I was a full blood. Now, King claimed that we signed papers and signed away my pine land instead of my husband's. We both acted as interpreters. My additional allotment, No. 1336, for W. ½ SW. ¼, sec. 5–141–39, I took to W. K. Fargo, of Ogema, Minn., June 14, 1908. He paid me $291 in cash, and my husband and I signed papers. He tried to make me out a mixed blood, but I told him I was a full blood.

Affidavit No. 427.—John S. Rock, or Ah-sin-ne-wa-cumig, dated July 23, 1909. I sold the pine on my deceased daughter's original allotment No. 1813 for W. ½ of NE. ¼ sec. 7–141–39. Her name was Nee-zed. She died 16 years ago and was 6 years old when she died. I had A. S. King, of Lake Park, Minn., probate her estate.

King took the trust patent and had me sign papers. This was about two years ago. About a month after I gave the trust patent to A. S. King to probate, Mr. J. T. Van Metre, of Detroit, phoned to Mr. Hurr at Pine Point and told him to tell me that A. S. King had foreclosed a mortgage of $250 on this land of my deceased daughter, Nee-zed. I had not mortgaged this land or received any money from Mr. King or anyone else on said land. After I learned about this mortgage I went to Hamilton & Van Metre's office at Detroit with my wife. J. T. Van Metre said he would give me $2,300 for the said pine on the land. I sold the pine on this land to him and my wife and I signed papers, and then he gave me $525. That is all the money I got. Van Metre was to pay the $250 mortgage to A. S. King. Mr. King probated the estates of four of my deceased children. The timber has been cut. After J. T. Van Metre had Mr. King probate these four estates, he was to pay me the balance of the money due me, but he has paid me no more. I was not asked by Hamilton or Van Metre or King if I was a full blood. I sold only the pine. There is a deed of record also conveying the land Van Metre sold to A. W. Reinehart, of Richwood, Minn. Robert Morrison was the interpreter.

Affidavit No. 456.—Sah-gah-ge-wa-ge-shig-o-quay, dated July 30, 1909. I sold the original allotment of my deceased husband, No. 2702, for lots 3 and 4, sec. 32, and lot 5, sec. 31-142-38, three years ago to A. S. King, of Lake Park, Minn. Frank Smith acted as interpreter. He took me to his house. It was prairie land. I was paid $100 by A. S. King at Detroit, Minn. I went with Frank Smith. He took me there. I gave Frank Smith $20. I was drinking. Frank Smith gave me liquor to drink before I went to the courthouse. I was under the influence of liquor when I sold this land. King said he would probate this estate. He did not ask if I was a full blood. I also sold the original allotment No. 2684 for S. ½ NW. ¼ sec. 1-141-38, of my first husband, Gay-dah-gi-be-nace, to the same party, A. S. King, about a month later. I only got $38.50. A. S. King paid me that much. Frank Smith took me to Detroit and acted as interpreter. He gave me whiskv. I was drunk when I sold. I gave Frank Smith $20 this time, too. Mr. King said he would probate this estate. They did not ask if I was a full blood. I am.

Toward spring Cliff Tubbs sent Frank Smith after me to go to Park Rapids, Minn. I had given my deceased husband's (George Brunett's) land during the winter previous to A. S. King to be probated, and he had paid me $100. Then I went with Frank Smith to Park Rapids. He took me to B. F. Wright's, I think. Mr. Cliff Tubbs was there, and he said he would give me $500 for my deceased husband's (George Brunett's) allotment. I signed papers there. I was drunk when I sold. Cliff Tubbs, the saloon keeper to whom I sold, gave me whisky. So did Frank Smith. Cliff Tubbs gave me $20 there, and later, at different times he gave me some money and some whisky. He charged me over a hundred dollars for the whisky he gave me at different times. I did not get from Cliff Tubbs, all told, quite $100 in cash; mostly whisky. Mr. Tubbs paid Frank Smith, who brought me to him and acted as interpreter. This Mr. Cliff Tubbs did not ask me if I was a full blood. Tubbs used to give me whisky in his saloon. Tubbs told me he paid A. S. King back the $100 he had given to me, and also that he paid the cost of probating the estate. He said both cost $400. Mr. A. S. King has the trust of Gay-dah-ge-be-nace. His daughter, who went down with me, Che-kance, also got $38.50 from A. S. King. She was one of the heirs. She was drunk too. Frank Smith gave us the whisky.

Affidavit No. 324.—Nub-an-nay-cum-me-ge-skung, dated August 26, 1909. Four years ago I went to Detroit and met A. S. King, of Lake Park, and sold my pine for $390. There were a great many large trees on the land. John Bel langer was interpreter. They asked me if I was a mixed blood and I said no.

In the above I sold only my pine, but when I went after my trust patent King said I had sold the land also. My allotment is described as follows: No. 2643, for E. ½ SW. ¼ sec. 29-141-37, 80 acres.

I will now read affidavits wherein the name of Phillip Converse is mentioned--I believe this first one has been read heretofore in connection with other names. [Reading:]

Affidavit No. 85.—Bay-bah-ma-ge-wabe, dated July 31, 1909. I lost four allotments. Three years ago I took the trust patents of my deceased daughter, aged 3 (Wauzzo-sig), No. 1763, for NW. ¼ NW. ¼ sec. 14, and SW. ¼ SW. ¼ sec. 11-141-39, to Detroit. It was pine timber. I went to see E. G. Holmes, and he took it to probate and loaned me $25. Holmes said he would sell it, and gave me the money. I was asked if I was a mixed blood. Afterwards I received $25 more. Henry Selkirk was the interpreter. I paid him $5. I was drinking at the time Holmes bought the land from me for $250, $100, and $150 in trade. At the same time I gave him the trust patent of my dead son, Way-show-wush-squa-no-quod, aged 24. This was No. 1762, for N. ½

SW. ¼ sec. 28-141-37. Holmes wished to probate it and gave me $25 then and afterwards gave me $25. Robert Morrison came as interpreter and I gave him $5.

The next spring I went to Detroit and found Mr. Holmes out. I met George Fox and he said he would look up and see what could be done about the land. We went to the courthouse and met Converse and he said the mortgage is now due. He said, "I will give you $200. Take it or you will lose your land." I took the money and my wife and I signed papers. Converse asked if I was a mixed blood and I said no. George Fox was interpreter. I paid him $10. As neither of us could read when we signed papers, I afterwards found out that I had signed away my original allotment also. I went to see Jim Dailey at Frazee. Charles Moulton was there. I wanted him as interpreter, but Jim Dailey would not have him. Frank Broker was there and was drunk. I wished to prosecute Phillip Converse for swindling me out of my land, but Broker paid me $50 to quiet matters. I took the money. They telephoned to White Earth to ascertain if I was a mixed blood. The reply was that I was a full blood. Frank Broker was so drunk he went to sleep. No one was there but us three. Dailey made out papers, which I signed. They were not read to me. Some white man is farming my land. Old man Perrault signed papers that I was a mixed blood.

That was read before in connection with someone else, but it is pertinent to Converse at this time.

Mr. GRAHAM. It would hardly be wise to duplicate the same affidavit as applied to different persons.

Mr. LINNEN (reading):

Affidavit No. 23.—Ah-woun-ah-quod-oke, dated August 16, 1909. I sold the allotment of my deceased father, Shay-now-ish-kung, being the N. ½ SE. ¼, sec. 19-141-39. I sold this to Phillip Converse, of Detroit, Minn., last year for $150. I signed papers for this deed with Pe-pah-we-gah-bow-equay, who was my stepmother. I gave her half of this $150. My husband, John de Jordan, also signed these papers. George Fox was interpreter. He was paid by Converse. I was not asked if I was a mixed blood, and if I signed any papers stating that I was the same are not true, and I did so without knowing what I was doing, as I am a full blood.

Affidavit No. 29.—Ah-ke-wanze, dated July 28, 1909. I sold my original allotment, No. 2480, for lots 2 and 3, sec. 31-141-39, to Phillip Converse, of Detroit, Minn., about three years ago for $100. I received $30 in money and $70 in trade at John H. Smith's store in Detroit, Minn. Jack Skip in the Day was interpreter. I paid him $20 cash. I told them I was a full-blood Indian. I signed the papers in the court house at Detroit in Mr. Converse's office.

At the same time they also took the trust patent of my deceased daughter's original allotment, No. 2485, for N. ½ NE. ¼, sec. 28-141-39. Her name was Susan. She was 5 years old when she died. She died about 10 years ago. I also deeded this land to Phillip Converse, and all I got was the $100 for both tracts of land. My allotment was hardwood timber and so was the other tract. Mr. Converse took both trust patents.

Affidavit No. 245.—May-mah-wush-cumig-oke, dated August 25, 1909. I sold my original allotment, No. 2055, for N. ½ NE. ¼, sec. 33-141-38, to Phillip Converse, register of deeds, of Detroit, for $45, and he paid me in cash. He asked as to my parents, and I said they were full bloods. He said I had the power to sell my land as if I were a mixed blood. My husband was present and is a witness to this statement. Joe Flammand was interpreter. My husband and I signed papers.

I sold my additional allotment, No. 1495, for W. ½ SW. ¼, sec. 23-145-42, last fall to Mrs. McMartin, proprietor of a hotel in Mahnomen. I was paid $500 in cash and two town lots in the city of Mahnomen, and a shanty. My husband was interpreter. They did not ask as to my blood relationship. I gave her the trust patent.

Affidavit No. 264.—May-cud-day-we-co-na-way, dated August 10, 1909. Three years ago they sent for me to come to Detroit. I went there with my trust patent and went to the courthouse and saw Phillip Converse. Land was swampy with pine and tamarack. I sold for $240. I signed papers. Joe Bellanger was interpreter.

Affidavit No. 382.—O-gub-ay-o-say, dated July 29, 1909. About two years ago Duke Moore, of Linnell, Minn., came to Pine Point and told my mother that Mr. P. S. Converse wanted her to come to Detroit to see about her dead husband's (O-ge-mah-bin-ace) original allotment, No. 2829, for S. ½ of SE. ¼ sec. 9-141-37. I went with her there. We went to George Fox's hotel. Converse came over to the hotel the next morning and asked my mother if she had the trust patent. George Fox took me and my brother across the road and gave us drinks. They did not ask us if we were full bloods. Myself, mother, brother, Gee-dah-naush, and my sister, Ah-ne-nan-e-qua-ah-she-quay, signed the deed, being all of the heirs. I do not know if the estate was probated. All of us were full bloods.

All of us testify that Mr. Converse told our mother, O-gee-way-ga-she-quay and she also testified, that if she did not do so he would have her arrested and put in jail. He pulled out $250 from his pocket. She took the money and signed papers.

Affidavit No. 410.—Pah-ne-she-be-quay, dated July 28, 1909. The allotment of my dead son, S. ½ of SE. ¼ sec. 33–141–37 was mortgaged to Phillip Converse of Detroit, Minn., for a year and he foreclosed before the end of three months. The mortgage was for $40. This was in the fall of 1906. This affiant further states that she lost another allotment, that of her husband, Kay-zhe-way-we-dung, N. ½ SE. ¼ sec. 33–141–37 was taken by Phillip Converse, of Detroit, Minn., also the trust patent. The deceased son, Way-wah-sung, a minor 18 years of age, land was also taken. Affiant states that Converse said he would take the trust patent of both husband and son, but said he would send her some money in a letter. Joe Bellanger was interpreter. Converse gave me $100 as a loan and I signed papers. He has kept the trust patent of the son, Way-wah-sung, and has sent no money to pay for it. Affiant further states that in the spring of 1908 Phillip Converse sent for her and she went to Detroit with the trust patent of her daughter, Min-de-moan, a minor, 14 years of age, who died previous to this transaction. A. S. King of Lake Park, was present in George Fox's hotel with said Converse, and she mortgaged this land to said King for one year for $75. King has since paid her $16 and taken possession of the land.

These affidavits, which I will now read, mention W. B. Carman. [Reading:]

Affidavit No. 382.—O-gub-ay-osay, dated July 29, 1909. I and my mother, O-ge-way-aush-equay, went to Detroit, Minn., about three years ago with my mother's trust patent, No. 2830, for N. ½ of SE. ¼ sec. 9–141–37, containing 80 acres of farm land. We went to W. B. Carman's office and mortgaged it for $150, $75 being in cash and $75 in trade. (It appeared to have been a warranty deed.) James Bunker was interpreter. We paid him $5. My mother is a full blood. They did not ask if she was a full blood. I was present all of the time, and heard all that took place. The $75 order was on the Blanding Co.'s store. Neither my mother nor myself understood that we were selling her land.

Affidavit No. 375.—O-way-gaw-ne-me-gwan, dated July 29, 1909. I lost 10 allotments. I was sole heir of these, except one.

I took the original allotment of Gay-daw-je-gwa-nay-yash, 18 years of age, my deceased son, No. 1852, for lots 3 and 4, sec. 15–141–39, and sold it to George Hamilton, of Detroit, Minn., for $300. This was a year ago. I was given some whisky before I made the sale. They asked me no questions. My wife and I signed papers. There was no interpreter. The estate had been probated. The trust patent I gave to Holmes.

I sold the additional allotment, No. 1364, for W. ½ of SW. ¼ SW. ¼, and W. ½ of E. ½ of SW. ¼ SW. ¼ sec. 4, and SE. ¼ SE. ¼ sec. 5–141–39, of my deceased son, Gay-daw-ge-gwa-nay-ysh, to E. G. Holmes, of Detroit, Minn., last summer (40 acres of it pine), for $100 in trade. Robert Morrison was interpreter. I sold both land and timber. They asked no questions. I gave the trust patent to E. G. Holmes. The estate had been probated.

I took the original allotment, No. 1856, for lot 1 and NE. ¼ NW. ¼ sec. 19–141–38, of my deceased child, Charlotte, aged 6, to E. G. Holmes, of Detroit, Minn., three years ago. I sold it for $200; paid $50 for probating. Henry Selkirk was interpreter. Holmes kept out $50 for probating. They asked no questions. I gave the trust patent to Holmes.

I took the trust patent of the original allotment, No. 1855, for SE. ¼ SW. ¼ and SW. ¼ SE. ¼ sec. 18–141–38, of my deceased son, Osh-skin-na-way, aged 2, to E. G. Holmes, of Detroit, Minn. It was farm land. It was sold with the above tract, and I only received $150 for both 80-acre tracts. Henry Selkirk interpreted for this tract. I paid him $5. I gave the trust patent to Mr. Holmes. I was not asked whether I was a full blood or mixed blood. I had formerly mortgaged this 80 and the 80 of my deceased child, Charlotte, to said Holmes for $100.

I mortgaged the original allotment, No. 1853, for lot 9, sec. 19–141–38, and lot 2, sec. 25–141–39, of my deceased girl, 2 years old, named Nancy May-jaw-ne-gwon, and the original allotment of my deceased girl, Nay-tow-we-say-quay, 1 year old, No. 1854, for NE. ¼ SW. ¼ and lot 6, sec. 30–141–38, to Attorney W. B. Carman, of Detroit, Minn., both for $200, and then, last fall, sold the land of my deceased girl, Nay-tow-we-say-quay, to E. G. Holmes, of Detroit, Minn., for $15 cash, and Holmes was to pay the mortgage of $200 to Carman and I was to get the trust patent back for the land of Nancy May-gaw-ne-gwon, my deceased girl. Pete Schroeder, county attorney, Detroit, has the trust patent and will not give it back. Now, I find out that the mortgage was for $300. I received only $200 and mortgaged both tracts of land for

only $200. I was not asked if I was a full or mixed blood. I am and always said I was a full blood. Alex West was interpreter. I paid him $2.

I mortgaged my own original allotment of meadow and pine, No. 1848, for lots 3, 4, and 5, sec. 13-141-39, three years ago to a man named Peter Highmuck, in Ogema, Minn., for $350—$50 in cash and a pair of ponies and a buggy and an old harness. Mr. Reilley, of Gull Lake, was interpreter. They did not question me as to being a full blood. The mortgage was for five years. E. G. Holmes, of Detroit, Minn., a year ago last winter, bought this mortgage. Then Holmes gave me $100 more and I deeded the land to him. The $100 was $70 in trade and $30 cash. Holmes did not ask if I was a full blood. Robert Morrison interpreted when I sold the land to Holmes.

My own additional allotment, No. 1362, for lots 5 and 6, section 9-141-39, I sold to E. W. Davis, of Detroit, Minn., for $200. Forty acres of this tract was pine. He paid me in cash. Chas. Moulton interpreted. I was drunk at the time and did not know what I was doing. I got the liquor from the saloon keepers of Detroit. There were three men there who made affidavit that I was a mixed blood. My wife, Bay-sha-qua-doke-quay, tried to stop me from selling, as I was so drunk I did not know what I was doing. Henry Selkirk, John George Morrison, and Charlie Morrison made affidavits that I was a mixed blood. I paid Henry Selkirk $5, and Charles Morrison $1 and John George Morrison $1. I and my wife signed papers. E. W. Davis paid the money to my wife. Charles Morrison gave me two drinks of beer. I was drunk all of the night before I sold this land, and was drunk at the time I sold.

My wife, who is a mixed blood, sold her additional allotment of pine to E. G. Holmes, of Detroit, Minn., for $100, and her original allotment she sold to Geo. D. Hamilton, of Detroit, Minn., for $250. Hamilton said he would give her $600, but he only gave her $250.

Affidavit No. 209.—Kay-she-way-we-dung, dated July 29, 1909. Three years ago I went with the trust patent of my original allotment, No. 2036, for E. ½ SW. ¼ sec. 22-141-38, and my deceased son's (Ah-wah-see-mee, who died about nine years ago, 1 year old when he died), original allotment, No. 2038, for E. ½ of SW. ¼ sec. 27-141-38, both of pine timber, to W. B. Carman, at Detroit, Minn. I mortgaged both of them for $140. The interpreter, Frank Smith, told me the mortgage was for five years. Carman paid me $70 cash and $70 in trade. I gave Smith $10. I sold the land to Fred Sanders, of Detroit, the following winter and Sanders said he would pay the mortgage.

This is as far as it refers to Carman. I have read it over in connection with Sanders.

Affidavit No. 117.—E-me-zan, dated August 25, 1909. I sold three allotments. About four years ago I sold the first allotment. It was my deceased wife's, O-be-quod's, allotment No. 3, for SE. ¼ SE. ¼ sec. 5, and lot 1, sec. 8-142-41. This was farm land close to Waubun. I sold it to W. B. Carman, of Detroit, Minn., for $300. I got $25 cash, $75 in trade chips. I was so drunk at the time that I hardly knew what I got. The trade was made in Detroit, when I had been drinking. They did not ask if I was a mixed blood. I am a full blood.

I took the trust patent of my additional allotment, No. 1841, for NW. ¼ SE. ¼ and NE. ¼ SE. ¼ sec. 7-143-39, to Ogema, Minn., to Kolb's bank, and got a little money on it; $17.50. Afterwards I went there with my original trust patent, No. 3323, for lot 4 and SW. ¼ NW. ¼ sec. 8-143-39. This was farm land near Twin Lakes.

The additional allotment, No. ——, for (see above) I then sold to Sam Moers, at White Earth, now of Detroit, Minn. I got $10 in money. This was all I ever got. I signed a paper. He asked me no questions. I never saw my additional allotment.

I had been drinking and was intoxicated when I made all of these deals referred to above.

Affidavit No. 279.—John Sailor, or Mosh-skin-nay-be-tung, dated August 5, 1909. I lost six allotments. Three years ago I took the trust patent of my deceased wife's (Maggie Brunette), No. 1573, for S. ½ of SW. ¼ sec. 26-141-37, to W. R. B. Smythe, banker. Smythe said he would pay me $800. He paid me $40 in cash. Before I made the sale to Banker Smythe, my mother-in-law, Mrs. Mary Brunette, had engaged Lawyer Carman, of Detroit, Minn., to settle this estate. Lawyer Carman and Mrs. Brunette retained $700 and paid $100 for probating the estate. I paid $200 lawyer's fees for probating the estate. I paid Lawyer Carman $100 and two other lawyers $50 each. At the time of taking this trust patent I also took the trust patent of my deceased wife's deceased husband's original allotmant, No. 1759, for W. ½ of SW. ¼ sec. 26-141-37, and gave it to Smythe. He promised me $800 on this also (total of $1,600 on the two allotments). Peter Gravelle was interpreter. The interpreter and myself were drinking. They asked me if I was a mixed blood. I said I did not know.

Two years ago I went to Detroit, Minn., with my own trust patent to my original allotment, No. 1876, for E. ½ SW. ¼ sec. 15-141-37, which was farm land. I went to the First National Bank and saw John H. Smith. I mortgaged this land for $150 in cash. Smith asked if I was a mixed blood, and I said I was a mixed blood. They made me say I was a mixed blood, and that is why I did. I signed an affidavit to that effect. Peter Gravelle was interpreter. We were drinking at the time of the deal.

Shortly afterwards I went to Detroit and sold the same allotment for $250 in cash to Phil Converse, Converse paying the mortgage on the land. Robert Morrison was interpreter. I paid Morrison $6. Nothing was said as to my being a mixed blood.

Last winter Mr. and Mrs. Frank Hodder came to my house to see me about my additional allotment, No. 1381, for E. ½ SW. ¼ sec. 20-141-39. They wanted to buy my land. They gave me $100. I signed papers. My wife and myself signed. They did not ask if I was a mixed blood.

Last winter my present wife, Jane Bud-eese, and myself went to Park Rapids and sold her additional allotment, No. 2052, for lot 2 and SW. ¼ NE. ¼ sec. 1-142-37 for $88 in cash. My wife got the money. I was told there was 2,000 feet of pine on the allotment. William McDonald was interpreter. We paid him $5. We did not give up the trust patent.

My wife's father said that she was a mixed blood. A short time after my wife sold the land of the above allotment to Frank Hodder for $100.

A little later Frank Hodder bought my wife's original allotment, No. 2625, for SW. ¼ NW. ¼ and lot 4 of sec. 32-141-38 for $100. There was scattering pine on it and some meadow. We gave up the trust patent. Mrs. Hodder was interpreter. She asked my wife if she was a mixed blood. I do not know my wife's answer.

I will now read a couple of affidavits affecting Simon Michelet [reading]:

Affidavit No. 393.—O-ge-konce, dated September 14, 1909. The mixed bloods selected for me my lands, and I got only a tamarack swamp. Both my allotments are swamp land. The half-breeds who were working for the Indian office picked out this land and I blame them for it. I made no selection. They did, and gave me only a tamarack swamp. I am a full blood.

I sold my deceased daughter's original allotment, No. 1591, for lot 1, sec. 26, and SE. ¼ SE. ¼ sec. 23-143-40 last winter to the former Indian agent, Simon Michelet, for $260. He did not ask me if I was a full blood. I am. He brought me to the Indian office at White Earth, where I signed the papers. My deceased daughter's name was Ne-zho-say-quay. I am on the rolls as a full blood.

I sold my deceased uncle's original allotment, No. 25, for N. ½ NE. ¼ sec. 33-143-41. His name was Osh-kin-now-wance. I sold this land to an attorney at Detroit, Minn., named C. M. Johnston, for $550. This was three years ago. Peter King was interpreter. He is my son. I gave him $100. I was not asked if I was a mixed blood or a full blood. I am a full blood. The papers were not read over or explained to me.

Affidavit No. 422.—Peter Riley, dated August 6, 1909. I lost two allotments. I took my original trust patent of allotment, No. 2352, for SE. ¼ NE. ¼ and NE. ¼ SW. ¼ sec. 2-144-41, to Mahnomen three years ago. It was farm land. I do not know to whom I sold. I got $600 cash. I signed papers. They asked Agent Simon Michelet if I was a mixed blood and he said "Yes" and that I could sell. I gave them my trust patent, and I was my own interpreter.

My additional allotment, No. 1728, for E. ½ SE. ¼ sec. 24-144-38, I took to Waubun, and went to the bank where L. S. Waller is located. I sold it to him, and it was timber. He paid me $50 in cash. I signed papers, and my wife did also. I left the trust patent with him. He did not ask if I was a mixed blood.

Affidavit No. 161.—Gay-gah-bay-qay-we-dah-moke-quay, dated August 5, 1909. Two years ago I went to Detroit, Minn., with my original trust patent, No. 1912, for lot 2 and NE. ¼ SE. ¼ sec. 36-142-40. I took it to J. T. Van Metre and sold it for $300 cash. It was hardwood land. He did not ask if I was a mixed blood. George Reese was interpreter. Paid him $10. I gave up the trust patent.

Shortly afterwards I went to Detroit with the trust patent of my deceased husband's original allotment, No. 1817, for S. ½ of NE. ¼ sec 22-141-37; his name was En-da-so-gin-ne-we. I went there because Mr. and Mrs. Frank Hodder had called at my house and told me they wanted to see me there. Tom Mason, his wife, and Grace Rock and myself were there. Mrs. Hodder interpreted. I went to see Mr. Dahlen, county auditor. He promised me $600. I received $200 in cash. I paid Mrs. Hodder $5. Mrs. Hodder asked if I was a mixed blood, and I told her I was sure I was a full blood. Mrs. Hodder said it would be all right if I had any mixed-blood relations. I signed papers and gave up the trust patent.

At the same time Mr. Dahlen asked for the trust patent of my dead child, Shinggoob, allotment No. 1821, for N. ½ SE. ¼ sec. 20–141–38, about 2 years old. This was pine land (50,000?). Mrs. Hodder asked to see the trust patent and I showed it to her. She at once handed it to Mr. Dahlen, and Mrs. Hodder said that I would not get this back until the timber was cut, and I would not be paid until the timber was cut. I received no money at this time, but later went back to Detroit and was given $100 then, but have received no money since.

I lost my additional allotment, No. 1407, for N. ½ SE. ¼ sec. 36 and N. ½ of N. ½ of SE. ¼ NE. ¼ sec. 17–141–39. I took it to some bank (Merchants) in Detroit, Minn. It was hardwood timber. I received $60. Frank Broker was interpreter. I paid him $10. I signed papers and gave up the trust patent. Holmes asked if I was a mixed blood, but I told him I was a full blood.

Affidavit No. 45.—Ah-be-tow-e-nee-nice, dated August 14, 1909. Three years ago I took my original trust patent, No. 2571, for E. ½ SE. ¼ sec. 25–142–39, to Detroit, Minn. I saw George Fox and he wanted to know if I had land to probate or mortgage. I said I would mortgage my land for $35. Fox took me to the First National Bank and I mortgaged my land to A. F. Anundsen for $35. They did not ask me if I was a mixed blood, and Fox said I was one. I paid Fox $5. The mortgage was for one year. I left the trust patent. Shortly afterwards I learned that there was valuable pine on my allotment. I went with Frank Hodder to see Peter Glaum at the courthouse. I was drinking at the time. George Andrews came there also. They made out papers that Peter Glaum had bought my land. He wanted to pay me $25. I refused to take the money. They told me that if I did not take the $25 and sign I would lose my land and get nothing. I signed, and my wife also. George Andrews also signed and Frank Hodder. George Andrews said I was a mixed blood. I think there was 400,000 feet of pine. My wife died six years ago. She left one allotment. Her name was Susan Bellonger, and she was a mixed blood. Her allotment was original No. 2136, for SW. ¼ SW. ¼ sec. 27 and NW. ¼ NW. ¼ sec. 34–145–40. The children, Gay-bay-ad-do-quay, aged 14, deceased; Zo-zay, aged 12; On-du-be-tung, aged 9. Last winter Joe Flammand was sent from Mahnomen to my house and he said they wanted me to sign papers. I went to Mahnomen, to Lawyer Vachon's office. There were present Joe Flammand, the lawyer, and myself. The lawyer said that if I did not take the $50 and sign papers I would get nothing out of my wife's estate, so I signed. They did not give me anything for the children. I do not know whether the estate was probated or not. I think my wife's stepfather took the papers over, for his name and my wife's mother were on the record.

Affidavit No. 480.—Way-jah-ne-me-gwa-nay-yaush, dated September 1, 1909. I sold my original allotment No. 2468 for SE. ¼ SE. ¼ sec. 13 and NE. ¼ NE. ¼ sec. 24–145–41 to Robert Lillo, a storekeeper of Lingby, Minn., for $800, in June, 1908. I received about $60 in cash and the balance in trade. Frank Belcour acted at interpreter. I knew I was a full-blood Indian. I was related to the Rabbitt family, who are mixed bloods, and so they classed me as a mixed blood. The papers I signed were not read over to me.

I sold my deceased daughter's allotment, original No. 2471 for lot 1 and NE. ¼ NW. ¼ sec. 19–145–40, in June, 1907, to this same man for $500, mostly in trade. Her name was Me-zha-ke-yah-she-quay. I do not think he gave us the whole amount, but told us we had traded it all out when we had not. No papers were read to me. I did just as I was told.

I mortgaged my additional allotment No. 1798 for SE. ¼ SE. ¼ sec. 17 and lot 3 sec. 16–146–39 to this same man for $150, in trade. I mortgaged this land about one year ago. It was for one year and I have not paid same. Fred Peake came from White Earth to buy this land in June, 1909. He offered $300 and to pay the mortgage. I signed papers for him. He gave me $26 and has not yet paid me the balance. Now says he received in all $123.

I sold my deceased mother's original allotment No. 2079 for lot 7 and NE. ¼ SE. ¼ sec. 4–142–37. Her name was Wah-bo-so-quay. I sold this land about three years ago to a man at Detroit, I think Peter Glaum, for $500. I sold just the timber on this land. Robert Morrison acted as interpreter. I was drinking. The papers were not read over and interpreted to me. I signed what they asked. He kept $20 out for coming after me, to pay the expenses. My brother, Ah-bwa-gwa-nay-aush, was also one of the heirs. He paid us each $240. Paid us this at Pine Point. Mrs. Hodder then was interpreter.

Affidavit No. 329.—Nay-tow-wah-be-quay, dated July 29, 1909. I sold the timber on my original allotment No. 1864 for lot 5 and N. ½ of lot 6 and N. ½ of S. ½ of lot 6, sec. 30–142–39, to Joe Spriskie, of Strawberry Lake, where he has a sawmill. He bought the timber a year and a half ago and paid me $50 for same. Then I sold the same land about a year ago to a man who lives near Callaway, Minn. Do not know

his name. I sold it for $5 cash and a pony. I signed papers. Jack McDougal interpreted. I was not asked if I was a full blood. I am a full blood.

I sold my original allotment No. 3358 for SE. ¼ SW. ¼ and lot 2, sec. 16-143-40 to George Hamilton, of Detroit, Minn., for $100. This was about three years ago. I did this to pay the $100 of my husband that he gave to E. G. Holmes. Mrs. Jennie Ledeboer interpreted. I paid her $10 for same. I was not asked whether I was a full blood or not. I got at this time $16 cash from Hamilton and he was to pay the mortgage of $100.

I never had any children by my present husband.

Mr. GRAHAM. Judge Burch, is there any further evidence that you propose to offer at this time?

Mr. BURCH. Mr. Chairman, there is a constant pressure upon me, from all sides, to add to the volume of this case, but I am determined to shut it off. I suppose I could keep this committee busy for a long time to come. It holds out like the widow's cruse of oil. I never saw anything like it. I just want to examine Mr. Beaulieu for perhaps half an hour, and one other witness. I am willing to do it to-night; I am anxious to do it at any time, only I think perhaps it should be done now while I am at it; and then I am determined that I will not put in any more, unless I am obliged to later on, after hearing the rest, and I suppose Mr. Beaulieu's witnesses are here by this time.

Mr. GRAHAM. Mr. Beaulieu informs me that his witnesses are here and we are very anxious to begin with them, and would like to do so in the morning.

Mr. BURCH. If the committee are willing, I would be glad to examine Mr. Beaulieu this evening, and one other witness, and then I am determined that I will stop.

Mr. DENNIS. I would like to ask Mr. Burch a question. Is it true, Mr. Burch, that all of the lis pendens, suits, and civil cases are covered by these affidavits which Mr. Linnen has just read; that is, each one of these affidavits covers the lis pendens now in the United States circuit court, or practically all; I won't say all, but as a general thing?

Mr. BURCH. Well, they embrace more suits than the number of affidavits he has read.

Mr. DENNIS. Well, do they all touch upon one or more suits?

Mr. BURCH. Oh, yes; I think it does.

Mr. DENNIS. And they also touch a great many cases against Mr. Kolb, and Mr. Waller, and Mr. Davis, and Mr. Van Oss, and all the pending criminal suits are touched by the evidence in these affidavits.

Mr. BURCH. That have been read?

Mr. DENNIS. Yes.

Mr. BURCH. Then you are better advised than I. I may say to you that the management of the criminal cases, Mr. Dennis, was placed in the hands of one of my associates, and I have very little to do with them myself, and I can not tell you, but I do not think you are correctly informed, if you so assert; that is my impression.

Mr. DENNIS. I think, maybe, we misunderstand each other, Judge. The indictments against the defendants contain a large number of counts, in each one, of fraud committed against the Government, and the fraud is referred to in some of the affidavits that Mr. Linnen has just read.

Mr. BURCH. Very well; I have no doubt as to some of them; I can not say that of all of them.

Mr. DENNIS. Well, the majority of the criminal cases were started against these defendants, based upon the information obtained from Mr. Linnen's report?

Mr. BURCH. No; I think not.

Mr. DENNIS. Well, then, as to the civil suits, if the claim made in these affidavits that the Indian is a full blood is proven true by the Government in the civil suits the land will revert to the Government, the cloud will be removed, and the purchaser would lose his title, and the land would go back to the Government.

Mr. BURCH. Well, it never went away from the Government; the cloud will be removed from the title.

Mr. DENNIS. If it is true—this contention that these people were full bloods or minors—the property would go back to the Government?

Mr. BURCH. That is based on two propositions; one that the parties are full bloods; the other that they are minors or mixed bloods.

Mr. DENNIS. At this time I want to enter a general denial for the clients that I represent at least in the civil suits—and I can refer to other names in these affidavits—as to all the allegations that the Indian didn't know what he was doing and that he didn't get all the money.

Mr. GRAHAM. Just a moment, Mr. Dennis, is the list of clients too long to let it go in so that it will be specific?

Mr. DENNIS. No, sir; it will be very short.

Mr. GRAHAM. Why not make a statement and hand it in in the morning?

Mr. DENNIS. Well, I can hand it in in the morning.

Mr. GRAHAM. Very well, do so.

Mr. DENNIS. As to all these allegations in the affidavits that have been read by Mr. Linnen, that the Indian didn't know what he was doing and that he didn't get all the money promised him; that he didn't swear that he was a mixed blood, or that there was any fraud committed at any time, unless it was on the white man who purchased the land in good faith, believing the Indian to be a mixed blood. At the proper time we will produce the Indians, the interpreters, and witnesses, with the committee's permission, in as many cases as we can, without making it tedious and prolonged, and try to prove that the general denial is based upon fact. I have made arrangements with Judge Burch to get copies of the affidavits, and just as soon as can, I will proceed and try to be ready when Mr. Beaulieu is through with his case.

Mr. GRAHAM. How soon do you think you can finish the statement I asked of you.

Mr. DENNIS. Just as soon as I can get copies of the affidavits and read them over.

Mr. GRAHAM. That is a statement of the names you expect to call and what you expect these witnesses to prove?

Mr. DENNIS. As soon as I can get the affidavits—I will get some of them to-morrow, I presume—and the next day I can make some statement.

Mr. GRAHAM. Mr. Beaulieu, how long do you think you will require for your witnesses?

Mr. BEAULIEU. Well, I expect to get through in a week's time; I am not sure whether I will or not.

Mr. GRAHAM. Well, you remember the story of the unjust steward who went around among his master's debtors and asked them "how much do you owe my Lord?"—"Eighty measures of meal"—and the answer was "Write down forty," and so on. We are willing to be as liberal with Mr. Beaulieu as he was. I think you can do it within a week.

Mr. BEAULIEU. Well, all I ask of you is to be as liberal with me as you have been with Judge Burch.

Mr. GRAHAM. We have promised you a fair show and you must have it; only we will ask you to be as expeditious as you reasonably can be, and I am sure you would not want to kill time for the committee by dragging the thing out beyond its natural length.

Mr. BEAULIEU. I think when we get through you will have no fault to find.

Mr. GRAHAM. You have done very well up to this time, and the committee will keep its word with you and give you a fair chance, as it will to everyone else.

Mr. BEAULIEU. That is all we ask.

Mr. DENNIS. Mr. Chairman, I can give you the names of the clients I represent, as I promised to do. L. S. Waller, E. G. Holmes, Levi Sanders, Charles Saunders—I am not certain about Fred Saunders, because I don't represent him in the civil suits, but I have talked to him about the affidavits in the last day or two—Peter Glaum, C. M. Johnston, First National Bank of Detroit, George Hamilton, P. S. Converse, A. Kaiser, First National Bank of Bagley, William A. McGlennon, and J. T. Van Metre.

Recess till 7 p. m.

EVENING SESSION.

Mr. LINNEN. Mr. Chairman, with your permission I would like to make a statement in the form of a correction in the record.

Mr. GRAHAM. That is always in order.

Mr. LINNEN. I have been informed that I inadvertently made a misstatement in my testimony yesterday. I was asked by Mr. Beaulieu if I recommended the removal of any person on the White Earth Reservation during the year 1909 for conduct which was not considered proper, and I stated that I had, among others, mentioned the principal at White Earth, or I intended to say the principal of the school at White Earth, Minn., the boarding school; but it has been stated that inadvertently I said "the principal of the Pauneeforte Pine Point School." If I said so, I didn't intend to say so. The party to whom I referred, or to whom I intended to refer, was the principal of the boarding school at White Earth, whose name is Goin.

Mr. GRAHAM. Do you wish to inquire about the correction, Mr. Beaulieu?

Mr. BEAULIEU. Yes; I just want to ask Mr. Linnen a few questions.

Examined by Mr. BEAULIEU:

Q. Mr. Linnen, when you took the affidavits of the different Indians, which you read yesterday, were they dictated to you by the Indians?—A. They were answers, in substance, as made by the Indians and questions propounded by us as to whether they sold their lands: "To whom; were you under the influence of liquor; did you

mortgage it; state to us just what took place in the sale of each of your tracts of land." They did so, and the substance of their statements, as interpreted to us, was reduced to writing, and prior to their signing it was read to them by an interpreter, so that they understood it fully.

Q. Then you didn't add anything to what they stated?—A. Certainly not.

Q. And you did not leave out anything?—A. It was not our purpose to do so. We had no object in doing anything other than seeking information, getting the facts and the truth.

Q. Did they give you the names of the different parties that you included in the affidavits which you read this afternoon?—A. They certainly did.

Q. They gave you also the initials of those parties?—A. No; they didn't. In many cases they scarcely knew the party. As stated by the affidavits themselves, they would refer to some attorney at this place, or somebody at that place "I don't know his name." They would refer to Fred Sanders, for instance, as the "Wolf with the gold teeth." That is how they knew him: that is the name that he went by largely—"The Wolf with the gold teeth"—that was Fred Sanders. And others of these people they didn't know their initials.

Q. How did they refer to Mr. Converse?—A. I can't recall just how, but when they referred to "this party at the courthouse," or "at the bank," there was always some person who would question them: "Was it this man" or "that man?" and then they would finally decide it was that man—it was Holmes, or it was Converse, or it was Fred Sanders, or it was Lewis Sanders, or it was Kolb.

Q. That is, they just guessed it might be?—A. No; they didn't guess it might be. It was explained in such a manner by the other Indians present who talked it over with them and by the interpreters that they finally arrived at the conclusion that it was such a man. In some cases they knew.

Q. And they have not added the names in these affidavits?—A. We put in the names of the people they designated. If they said Gus Beaulieu, we put in Gus Beaulieu; if they said Bob Beaulieu, we put in Bob Beaulieu; and so it was with Mr. Waller, and Mr. Kolb, and Mr. Holmes—whoever it was.

Q. Well, supposing they didn't know the English names of any of these parties?—A. Oh, they knew them. For instance, Waller, they called him the red-headed banker at Waubon—that is the name he went by, Mr. Waller.

Q. What did they call Mr. Converse?—A. I don't recall, but they knew who he was.

Q. What did they call Mr. Holmes?—A. They called him "the banker over at Mahnomen"; they knew his name; the majority of them.

Q. How did they describe their lands; did they give the description that was put into the affidavits?—A. In many cases they didn't know the description, but they would give the additional allotment and the original allotment, or the additional allotment of my mother, or the additional allotment of my brother, whatever the case was; they designated it always by the additional or original allotment of the party, and we put them in from the records. We looked up the records and found out the additional allotment description and put

them in there, because that is what they wanted to tell us about—their additional allotment; they didn't know the descriptions, of course.

Q. Then you had to put the names and description of the lands only from descriptions?—A. The names we put in there at the time, but in those affidavits where they signed them, we added nothing.

Q. Did you add those descriptions?—A. We simply described the land embraced in their original allotment; we didn't know the descriptions, of course.

Q. You added those?—A. I had those put in. We described the land embraced in the additional or original allotment, whatever the case might be; the land which they intended to describe; the land covered by the allotment that they told us about.

Q. Suppose they described a certain tract of land——A. You know very well that an Indian does not do that.

Mr. BEAULIEU. Wait.

Mr. GRAHAM. Listen to the question.

Q. Suppose I had told you about a certain tract of land without having any description whatever, or I had given you a description, how would you arrive at it?—A. I would ask them at that time whether it was their additional allotment or their original allotment, and then I would put that description in; I would take it from the records; I wouldn't take their description, because, as you well know, they don't know the descriptions of their lands.

Q. Yes; that is the reason I asked you.—A. I would verify it always.

Q. Did you ascertain how many tracts of land had been sold up to the time you were investigating the conditions upon the White Earth Reservation?—A. No; I don't believe I did, because the sales were taking place every day, and they would change every day. I think I knew approximately how many were embraced in the evidence which we secured, but that was all.

Q. How many affidavits did you obtain from the Indians?—A. Oh, I judge some 550 affidavits—that is, as to the sales of lands. We didn't say anything about other affidavits—as to their blood status, the quantum of Indian blood.

Q. Did you obtain these affidavits entirely through interpreters?—A. Oh, not entirely; no. There were some people who came before us who understood the English language and could read and write it; many of them understood and could not write.

Q. You stated there were a number of deceased Indians who had received allotments? This is of importance to the tribe, and I would like to have the names of a few of them.—A. I couldn't do it offhand. I don't recall it. It is my recollection that there were a few deceased Indians who had been allotted.

Q. Will you be able to furnish them before you leave?—A. I would not, without having access to the records at White Earth; no.

Q. Now, in Minneapolis last week, you either read from your report or made a statement that Gus H. Beaulieu and Ben Fairbanks had made affidavits for full bloods, knowing that they were mixed bloods, and stated in those affidavits that they were mixed bloods. Have you looked up those affidavits and found out?—A. I read you about 50 affidavits pertaining to yourself and Ben Fairbanks, and the

statements which I made were borne out by those affidavits; whatever statements were contained in my report were borne out by the affidavits, some 50 of which I have read into this record.

Q. You don't mean to say that you have read any affidavits yet, before the committee, where I had stated that a full blood was a mixed blood, do you?—A. The affidavits will speak for themselves.

Q. Well, I am asking you if you did read such affidavits?—A. I am of the opinion that there are affidavits in there which show that you procured certain people to sign, that certain people who were full bloods were mixed bloods.

Q. But you stated very positively that Gus H. Beaulieu had made affidavits that certain Indians were mixed bloods.—A. Well, you read the report and you will see. The report will speak for itself.

Q. So that is all the reply you have now, that you can not state definitely?—A. My reply is that the report is true and that it is borne out by the statements made in the affidavits which have been read into the record.

Mr. BEAULIEU. Mr. Chairman, this is a matter of a good deal of importance to me, as he accuses me of making affidavits that certain full bloods were—that I had declared certain full bloods to be mixed bloods, and he stated down there that he would produce the evidence and I don't think he has produced any evidence.

Mr. GRAHAM. Well, Mr. Beaulieu, the report itself is the best evidence. Indeed the only thing that would make your question permissible at all would be for the purpose of testing his recollection, to show whether he remembered rightly what is in them, but the committee would not want to hear him testify as to the contents of any document which they have already before them.

Mr. BEAULIEU. I understand that, but I simply wanted to find out if he did not remember any affidavits, because I am going to bring testimony to show that we never did that.

Mr. LINNEN. I think the report said specifically that you procured them, that you had parties make affidavits to the effect that certain full bloods were mixed bloods in order to secure fee patents, and the record so shows it and the affidavits so show it.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Does Mr. Dennis or Mr. Thompson or any one here desire to ask Mr. Linnen any questions before he leaves the witness chair?

Mr. Linnen you are excused.

GUS H. BEAULIEU, recalled.

Examined by Mr. BURCH:

Q. In your testimony at Minneapolis, Mr. Beaulieu, I understood you to state that you were not regularly engaged from 1902 with the Nichols-Chisholm Lumber Co., but only occasionally for them in doing work upon the White Earth Reservation in connection with land, as you were with other clients or people interested in real estate.—A. I stated that I was not exclusively engaged for the Nichols-Chisholm Lumber Co., during that period.

Q. You desire to have it understood, then, that what you meant at that time was that you were not exclusively engaged, but do you desire to have it understood that you were not regularly engaged,

in part, by them?—A. Oh, no; I was regularly engaged, because I was looking after their business, the same as I was after the business of others; but at that time I was connected with the company; it was buying inherited lands.

Q. To illustrate, then, while you drew a salary from them you considered yourself regularly engaged or retained by them, and in their service from 1902, as their agent for securing inherited lands, and doing other work of interest to them, yet you might take employment from other people not incongruous or opposed to their interest in getting lands for other people?—A. Not opposed to the interest of the company.

Q. If not opposed to their interest, would you take employment for other people?—A. Yes; I could take employment, and I did take employment.

Q. But, nevertheless, you were regularly their agent from 1902 down to the present moment?—A. Well, I was looking after their interest in this way: In 1902 there was a law passed which permitted the sale of inherited lands; at each sale there were a number of people that would buy lands and would want me to look up as to who were the heirs; and so I would go ahead and look up the heirs and arrange matters so as to have the heirs present when the estate was being probated, and I attended to that work, so that instead of being employed for each case, the Nichols-Chisholm Lumber Co. paid me $100 a month, and that was all I looked after.

Q. All that time away back?—A. Yes—well, I wouldn't say away back—no; I think it was——

Q. $25 at the first, was it?—A. I think $25 for awhile; $25 occasionally. Afterwards I was employed at $100 a month; I don't recall when it was.

Q. Nevertheless, as the legislation relating to the lands on the White Earth developed, you became interested further as your clients' interest required, did you not?—A. Well, after 1906——

Q. Do you mean to say by that, that you were only interested for them in the mere matter of inherited lands, up to the time of the passage of the Clapp Act?—A. That was all.

Q. And do you mean to be understood, then, as the time of the opening of the nine bids by the eight lumber companies, that you had no interest for the Nichols-Chisholm Lumber Co. in respect to that?—A. Absolutely none.

Q. They were strangers to you, then, as far as the incident was concerned, up to the time they were opened?—A. Yes; they were. I didn't want anyone to get the lumber under those terms, under those conditions.

Q. You wanted to be absolutely foot-loose and free to fight, even then if they should be the successful bidders?—A. Yes, yes; that was my understanding.

Q. You would have felt, notwithstanding your employment by them, perfectly free, wouldn't you, to have fought them, if they had been the successful bidders at this time?—A. Yes; I would have been perfectly free.

Q. And you would have fought them?—A. I would have fought them because——

Q. Because it embodied the Wisconsin idea?—A. Because it embodied the Wisconsin idea, which was a wrong one.

Mr. GRAHAM. Mr. Beaulieu, at any time when you have not finished your answer, of course you have a right to go on and finish it.

Mr. BEAULIEU. Yes; I understand.

Q. How soon after the opening of the nine bids, under the Clapp rider of 1904, did you become generally interested in their welfare?—A. Not until 1906, after the 1st of July; then I became connected with their business so that I devoted my whole time to it.

Q. Did you know that they had bid—that they were among the nine bidders?—A. Well, I had some idea; yes. I knew they were going to put up a bid; that is, that they were going to put up bids.

Q. Did you know that they bid in two ways, one under the head of the Nichols-Chisolm Lumber Co., and the other under the head of Lyman Irwin Lumber Co.?—A. No, sir, I knew nothing whatever.

Q. Did you know it afterwards?—A. No, this is the first time I ever heard of it.

Q. You were not aware that the Lyman Irwin bid was practically theirs?—A. No, sir, I wasn't.

Q. Very well, then I will pass that by. Now, did you know that the Nichols-Chisolm Lumber Co. were at the same time trying to defeat the acceptance of these bids; that is, defeat the whole bidding business?—A. Well, we understood that from the very first.

Q. Well, then, you knew they were guilty of duplicity in the matter of bidding, and yet attempting to throw aside the bids, reject the bids?—A. Well, now, if you will put your questions—I won't answer that they were guilty.

Mr. GRAHAM. I think, Judge Burch, the question is not a fair one—

Mr. BURCH. What?

Mr. GRAHAM. And that the question is not properly framed, for a number of reasons.

Q. Well, now, you knew then that they were playing to catch this thing both coming and going, to use a popular phrase; that if the bids were accepted they were in the bidding.—A. I knew they said that they were going to put up bids, but I didn't know that they intended to—I didn't think, and neither did they, that they were going to get any bids, no matter what their bids were. As a matter of fact, their bids were higher than the Herrick bids. We knew very well, or we were positive, that it was the Minnesota ring against the Minnesota lumbermen, and we also felt quite sure that the Indian Department was implicated, because it would not afterwards acknowledge that it was a party to the scheme; nobody would take the responsibility of having issued the order.

Q. But were you looking out for the Minnesota lumbermen?—A. No, sir; but I was willing to accept the assistance of the Minnesota lumbermen to defeat the scheme.

Q. You speak of Minnesota lumbermen; I thought it was the Indians you had all the while in mind?—A. I was perfectly willing to use the Minnesota lumbermen for that purpose.

Q. Did you regard the interest of the Minnesota lumbermen as the interest of the White Earth Indians?—A. No; not by any means.

Q. Well, now, how were you interested; for I will come back to that?—A. I was interested for the Indians and for myself; I was interested personally.

Q. Yes; not in the Minnesota lumbermen, you say?—A. Well, if the lumbermen could give us assistance, we were not going to say to

the lumbermen: No; we don't want your assistance to defeat the project. We wanted all the assistance we could get to defeat it.

Q. If this committee should conclude, as a matter of fact, after hearing all the testimony, that the interest of the Indians, the real interest, lay in the bidding of the Wisconsin bidder, Fred Herrick, would you say that your partisanship for the Minnesota lumbermen would have induced you to fight them?—A. Well, I don't know what the committee——

Q. I am putting it hypothetically.—A. You are asking me to decide something in my mind against the committee.

Q. I will put it in your own case. If you knew, if you were convinced, that the interest of the Indians lay in accepting the bid of Mr. Herrick, would your partisanship or friendliness for the Minnesota lumbermen have led you to decide against the Indians?—A. No, sir; it would not.

Q. Then you would have been in favor of the Herrick bid?—A. I would have been in favor of the Herrick bid if I had known it was in the interest of the Indian, because it would have then been in my interest personally.

Q. Do you consider that it would be a matter of good principle for a person to go in and bid competitively with other persons and at the same time fight to have the whole of the bids rejected?—A. Well, I don't know; I don't know what——

Q. Do you think that is fair business?—A. Well, let me understand you. It was this way: If I was interested in trying to have defeated a proposition which I thought was against my interest as a lumberman, and yet were afraid that my opposition might not effect what I was trying to accomplish, then I would feel like putting in a bid anyhow. I would feel this way, that in case that proposition was not defeated, my bid was there and I might have a chance of getting the award.

Q. Now, supposing that the Nichols-Chisolm Lumber Co. had won out on the bidding—had been declared to be the highest bidders, and it had been awarded to them—do you believe that the Nichols-Chisolm Lumber Co. would then have applied to have their own bid set aside because they didn't like the plan?—A. No; we would have applied to have it set aside, because we would not have gone back on what had we asked Senator Clapp to do for us.

Q. You misunderstand my question. I am speaking of the Nichols-Chisolm Lumber Co. and not you. "We"—the Indians; those that you describe as "we" being the Indians?—A. Maybe I did misunderstand you. You might ask the question over.

Q. Well, I ask you again: Do you think that you would have stood for the Nichols-Chisolm Lumber Co., and that they would have held to their bid if they had won out in the bidding?—A. Then my answer is just as I gave it before. You asked me if I would have stood, but you said then it was what Nichols-Chisolm Lumber Co. would have stood for.

Q. Yes—you have answered that—that you would not have stood for it.—A. No, sir.

Q. Wouldn't the Nichols-Chisolm Lumber Co.—now I am coming to my question—would the Nichols-Chisolm Lumber Co. have labored to reject their own bid?—A. Well, I very much doubt

whether they would. Of course I am not here speaking for the Nichols-Chisolm Lumber Co. I am only speaking for myself.

Q. Now, weren't you working at pretty close range, Mr. Beaulieu, having been employed by them for years; weren't you working at rather close range to be in their employ and yet against them if they had won out?—A. No, sir; I was not working at close range with them at that time.

Q. Drawing a salary?—A. I was independent of them. A little salary would have cut no figure; I wouldn't sell myself to anybody for any small salary—or for a large one either.

Q. Well, getting beyond that question, I think we understand each other now about that. I call your attention now to your employment after the Clapp rider of 1906 was passed. Did you hear the testimony of Henry Birkett, of Mahnomen, given at Minneapolis?—A. Well, I heard part of it; I went out just a little while during the time he was giving his testimony—part of it.

Q. Was his version of that affair at Washington correct?—A. Well, I can't recall now what he said.

Q. I will put the question: Was it true that you advocated at Washington that winter, and had advocated before that time, the creation of the commission to pass upon the capability of the Indians to do business; that commission to consist of an Indian, an Indian missionary, and an Indian agent or Indian superintendent at White Earth?—A. Well, my proposition was practically what the Burke law now provides. I wanted a commission in addition to the provision of the Burke law, and not let the agent pass upon the qualification of the Indian.

Q. You wanted a commission to pass upon it?—A. Yes, I wanted a commission to pass upon it.

Q. Did you not first propose that a commission be composed of an Indian, an Indian missionary, and the Indian agent should be selected?—A. Yes, sir.

Q. Well, do you know a man by the name of Hamilton, who published a newspaper in this State at that time?—A. George Hamilton, yes.

Q. Did he not charge in his paper at that time that, in anticipation of the passage of that bill, you had at least 100 applications for certificates of competency in your pocket; that you were to get $100 apiece for passing, if you were appointed on the commission?—A. If I was appointed on the commission?

Q. Yes.—A. I never saw anything like that.

Q. You didn't see that in the paper?—A. I don't remember; I wasn't here, you know. I don't think I ever saw that article.

Q. You knew a furious outcry was raised?—A. I read about that, but that was not what the Record contained.

Q. Explain what it contained.—A. The summer prior to the passage of this act there were contracts made with John Carl and Mr. Fairbanks, four or five of them, that they would pay us a certain amount; each man would pay us a certain amount if we would go to Washington and try to get a bill passed in line with the Clapp Act, or in line with the act that had been introduced by Mr. Steenerson the year before. So during that summer Mr. Carl got these contracts. I sent him around and told him: "You go around and see how many people are in favor of that." He went around among the mixed bloods

and got agreements. I have forgotten how much they were to pay; they were to pay so much—a certain amount after the act was passed—which they never did; they forgot all about it. We never pushed them for the payment, but we commenced to advocate this proposition of having an act passed similar to the Burke law, with the addition, of course, of the commission; then I understood that the Detroit Record criticized it. I never saw the article, but I heard about it in Washington.

Q. Wasn't it commonly charged in this vicinity that the way this act was framed, "an Indian, an Indian missionary, and the agent of the White Earth Agency," was intended to include yourself as the Indian, and your brother, the Rev. Clement Beaulieu, jr., and Agent Michelet as the three parties to be on this commission?—A. Well, I told you we talked about it, and we intended to have Father Aloysius, the Catholic priest up there, in whom all the Indians have confidence, and the Indian agent, and some person who would not have been dealing in Indian land to act as the third person, possibly my brother-in-law. You can not attack him, can you? You can not attack his character simply because he is my brother?

Q. I am not attacking your character or his. I am asking a question.—A. You are insinuating, that is all.

Mr. GRAHAM. Please stick to questions and answers.

Q. I am asking you if it was not generally or frequently charged in this vicinity that that commission was expected to be composed of yourself as the Indian, your brother, the Rev. Clement Beaulieu, and Agent Michelet as that commission?—A. Well, this is the very first——

Q. And didn't you answer it in the Tomahawk?—A. —— this is the first time that I ever heard that I was to be on the commission, and I don't think I ever heard that my brother Clement was to be on the commission.

Q. You haven't heard that charge?—A. I don't think so; it may have been; but as far as I am concerned, it is the first that I ever heard of it.

Q. Was it not charged by the local editor of the Detroit Record that you personally—you—had in your possession at least 100 applications upon which you were to receive a commission of $100 per head for getting them past this proposed commission for certificates, in the event of the passage of the bill—certificates of capability of doing business?—A. Well, I stated before that I didn't know what Mr. Hamilton published; I was at Washington at the time.

Q. Did you not answer that article, yourself, in the Tomahawk?—A. I wasn't there; my brother may have answered it, or some one else in charge of the Tomahawk office, during my absence.

Q. Now, then, you positively deny that you answered it, or knew of it?—A. Well, I might have known of it, but it is so long since I don't know what took place at that time; I don't recall now, because it had no foundation, in fact.

Q. Did you propose that idea of a missionary, an Indian, and the Indian superintendent at White Earth?—A. Yes; I proposed it because I believed in it.

Q. Who was it that caused, or suggested the change from an Indian missionary to a district judge?—A. I believe Mr. Birkett; I couldn't say positively.

Q. Was it Senator Clapp?—A. I can't recall now who it was that proposed it.

Q. Well, that bill was seriously considered then until the time when Mr. Burkett came down with the proposition ultimately taken up?—A. No, the bill was considered seriously until, I think, they got telegrams from the Commercial Clubs of Minnesota—not only from this city, but from several towns around there—asking that they change it.

Q. Did you understand that the Commercial Club here was animated largely by the spirit of Mr. Hamilton?—A. I didn't know anything about that, no; I don't think so. I thought Detroit business men wanted it that way and that the Commercial Club had suggested it to Senator Clapp.

Q. Then his articles against the plan of the commission were merely the outgrowth of public opinion locally here—that is, around Detroit?—A. Well, I couldn't say. I am not responsible for what Mr. Hamilton did, or what he said.

Q. Do you know Mr. Hamilton?—A. Oh, yes; very well.

Q. Now, if that bill, called the Clapp rider, was the ultimate outgrowth of this general proposition to open the reservation as to the timber as well as the lands themselves, do you claim the credit of it?—A. No, sir; I never claimed the credit.

Q. Were you against it?—A. Against it?

Q. The opening of the reservation—the sale—the sale of the land?—A. Under the Clapp Act?

Q. Under any act.—A. No, sir; I should say not. I was not against it, and I still hope to see the Clapp Act extended all over the reservations throughout the United States; at least to persons from 21 to 40 years of age, because I have seen the effects of it upon the reservation.

Q. Yes; we have been looking at them; considering them just lately.—A. Yes.

Q. Do you think, then, that you were at that time in favor of the opening of the reservation?—A. I not only think so, I know I was.

Q. You were there in Washington in your interest?—A. Yes; in the interest of opening up under the Clapp Act.

Q. As your own delegate?—A. Well, I had the powers of attorney from, I think, 50 or 100 Indians; I should judge we had over 100, probably 150.

Q. Then you were really a delegate or ambassador to the Washington authorities, to Congress, and the proper department of the Government for people on the reservation?—A. Well, if you say that the power of attorney gives a person the authority of an ambassador, then I must have been an ambassador.

Q. You had an idea all the while that a council was the proper thing. Now, why didn't you get a council?—A. I don't recall but what we did; I think we did have council authority besides.

Q. Was it one of these caravan councils gotten up at White Earth, or was it a council of the tribe generally?—A. Well, now, I will ask the Chair if he will confine himself to the asking of questions in a manner that is at least dignified, then I will answer.

Q. What kind of a council was it? I will try to please you, if you are so fastidious.

Mr. GRAHAM. Just confine yourselves to questions and answers and you will get along nicely.

Q. What kind of a council?—A. It was a regular Indian council——

Q. Oh, you now recall it?—A. That is, if it took the place of our regular Indian councils.

Q. Was it power of attorney, or was it council?—A. I had powers of attorney; I recall that distinctly.

Q. Well, now, as a matter of fact, didn't you get these powers of attorney to sidetrack a council for fear most of the Indians themselves would be opposed to this proposition?—A. No, sir; because I knew, as a matter of fact, that all the Indians were in favor of it.

Q. All the Indians?—A. Yes, sir.

Q. You make that a pretty broad term?—A. Yes, sir; I make that a broad term.

Q. How did you know?—A. Because I heard it discussed among them; not only in one council, or in one meeting, but repeatedly; it was talked of all over the reservation.

Q. Did you go around and take a house-to-house canvass?—A. I didn't; I didn't have to do that to learn what the sentiment was on the White Earth Reservation.

Q. Well, now, Mr. Beaulieu, honor bright, how could you know that all the Indians upon the White Earth Reservation were in favor of that proposition, if you say you did not have a council, if you say you did not have a general council with all the people in it?—A. Well, we had several councils in favor of it.

Q. Now, you can recollect these councils?—A. We had several meetings, why certainly—I remember very distinctly we had a number of meetings.

Q. We have had councils and councils talked of here. What kind of a council was it; was it a particular council or was it a general council?—A. Well, if you want me to explain what a council is, I will.

Q. No; I don't. I have heard it explained and explained and I think I know perhaps almost as well as you do by this time, but I want to know which one, or which kind of a council it was?—A. Well, it was an Indian council. If you know as much as I do about it, you will know what an Indian council is.

Q. Did it embrace a small portion of that reservation, or did it embrace all the people on the reservation, with proper notice to them; was it a general council or a council around White Earth?—A. Well, which particular council are you referring to now?

Q. Well, I will ask you which it was. Was it a general council or just a local council?—A. Well, regarding what?

Q. This very proposition of whether the reservation should be thrown open or not?—A. Well, we had repeated meetings and councils.

Q. I ask you again, was the council which you say you represented, or think you represented, in Washington at the time of the passage of the Clapp rider a general council of the White Earth Tribe, on the White Earth Reservation, or was it a local council of a portion of the reservation?—A. If I went down to represent the tribe of the White Earth Reservation—I didn't state that we positively—that we had a council at that time, but if I did go down with authority from the

council, it was a general council, and a general notice must have been given, the way they always do.

Q. But you don't whether it was, or whether you acted on the powers of attorney you had in your pocket?—A. I acted on the powers of attorney I had in my pocket—I am positive of that.

Q. You had no occasion for taking that particular course?—A. No occasion for what?

Q. You had no special reason for the powers of attorney as an attorney in fact, except the representing of the tribe as a delegate?—A. Well, I represented the tribe as a delegate, and the tribe knew it; it was published in my paper, and if there had been any objection, the objection would have been filed there that day.

Q. I am trying to find the facts, not any "ifs" but the facts.—A. Well, I am trying to tell you the facts as far as I know them.

Q. If you don't know, say so, and we will go on. Now, Mr. Beaulieu, after the passage of the Clapp rider in 1906, and the throwing open of the reservation on account of the provisions of that act, you went exclusively into the employ of the Nichols-Chisolm Lumber Co. in picking up lands?—A. After 1906; yes.

Q. From that time forward?—A. From that time on.

Q. And devoted your services, so far as the land business was concerned, to the Nichols-Chisolm Lumber Co.?—A. Not entirely the land business. I didn't give any of my time, I think, to the land business, but to the timber business.

Q. The timber then was separated from the land?—A. Separated from the land.

Q. They bought timber exclusively, and not land?—A. Yes. My advice was for them not to buy the land, but to buy the timber alone. I thought, of course, if the Indians made contracts with the lumber company to let them have the timber off the land, with 10 years in which they could remove the timber, they would have the land at least that long. They would be compelled, almost, to keep the land that long.

Q. But they acted the other way, didn't they, took the lands if they found that best, or took the timber if they found that best?—A. Well, the only work I did was to take the contracts. That was my principal work. I think I took very few of the deeds from the Indians.

Q. I am speaking of the Nichols-Chisolm Lumber Co.?—A. That is what I am answering you.

Q. Well, did you take timber deeds, or did you take contracts?—A. I took contracts.

Q. No. Did you take timber contracts or contracts embracing the lands?—A. Timber contracts. Once in a great while we would take a land contract where the company wanted the land on some special proposition.

Q. Now, you were uninterrupted and free, practically; that is, the Nichols-Chisolm Lumber Co. were; there was no special trouble about that until the coming here of Mr. Moorhead and Mr. Linnen?—A. No trouble about what?

Q. About procuring the lands, uninterrupted by the Government authorities in any manner, uninvestigated and uninterrupted by the Government authorities, you had comparatively a free hand until the coming here of Mr. Moorhead and Mr. Linnen?—A. I had a free

hand? I don't quite catch on to your question. I have had a free hand up to this time, I think, if I wanted to buy.

Q. There was no one engaged in superintending or investigating on the part of the Government your operations and the operations of other people in getting these lands until the coming here of Mr. Linnen and Mr. Moorhead?—A. No; unless the Indian agent himself had power to look after those things, and occasionally a special agent investigated them, we had no one else in here.

Q. That was Simon Michelet, was it not, the Indian agent?—A. Simon Michelet was the Indian agent at that time.

Q. And up to about the summer of 1908?—A. I think it was somewhere along, I should judge, May or June, in 1908, when he was succeeded by Maj. Howard.

Q. Now, when Mr. Linnen and Mr. Moorhead came here, you were greatly dissatisfied with their operations, were you not?—A. When Mr. Linnen and Mr. Moorhead came here I was well pleased that they arrived, and I so published in my paper, which I will introduce here as evidence, and advised the people on the reservation to go to them, and give them all the information they could to help them get at facts.

Q. Was it because you thought wrong had been done the Indians in the matter of obtaining their lands?—A. Yes; because I thought they had been overreached in a great many instances.

Q. Whereabouts had that occurred, Mr. Beaulieu?—A. Oh, it occurred among the different curbstone dealers. I never charged a regular business man, a man of any standing, with having overreached the Indians. I think they were doing what was right.

Q. Who were these curbstone fellows?—A. I can not recall them now particularly; I think one man I charged in my paper as being a curbstone dealer was a man by the name of Sanders, mentioned here to-day.

Mr. GRAHAM. There were two of that name.

Q. Do you mean the Sanders up at Mahnomen or the one here, Fred?—A. The one here.

Q. Were any of these fellows at Mahnomen, these curbstone people?—A. I told you I criticized Sanders Bros. up there and I afterwards learned that my criticism was unjust, but I only learned this last summer, I guess. I believed that I should make some notice of it or publish it, and I will explain the circumstances if you want to know.

Q. Well, I don't know that.—A. I should think it would be a good thing so as to show you how things were done here.

Q. Very well, go ahead.—A. There was a woman, I can not recall her name now, but everybody knows the circumstances, because I published it, came to Maj. Michelet and complained to him that she had signed as a witness to a deed, that her mother was selling a tract of land and she had merely signed her name, and I took the matter up; Michelet told me about it. He said, "These fellows are going pretty hard for these Indians." He asked me if a certain woman was a mixed blood, and I said I didn't know; I thought she was a full blood. That was when they first commenced to buy land, and it resulted in the matter going into court. I don't know how it came out—no, I believe the woman employed an attorney and somebody else in the meantime came to her and got a deed from

her and the case went up to the supreme court of the State and it cost Sanders Bros., I guess, seventeen or eighteen hundred dollars, and it cost the woman $1,400; but eventually Sanders Bros. won out and I went up to Mahnomen one evening. I was in Beum's office, an attorney, and a woman came in there. I recognized her as the woman who had said Sanders had beat her. She testified that she had simply signed that as a witness, denied having received any money. Sanders's attorneys tried to draw out from her that they had given her a note, I think it was for $350, a note to be paid in a few months time, and she said to Beum, "What will I do now?" Beum said, "I can not do anything more for you. You have been beaten in the supreme court." She got very angry at him and said it was his fault, and she went out and was gone probably half an hour, and I stayed in Beum's office.

It was at night, and it was raining slightly, and she came in in a little while and she threw down a note. She says "What will I do with this note? It is no good to me now?" Beum took it up, he was smoking his pipe, and he took it up and looked at it and there was a note for $350.00 which she had denied ever receiving; and it was made payable to her. Beum was almost paralyzed; he could not speak for a moment, and he says, "Why I have made this thing cost not only my clients but the Sanders boys a great deal of money," and he threw the note back at her and he would not have anything more to do with her; he wouldn't even talk with her. I had published it as the truth that the Sanders boys had defrauded this woman, that they had gotten her to sign a deed, claiming that she was signing as a witness, while, as a matter of fact, she was signing a warranty deed. She accepted that $350 note, and, they claimed, a couple of hundred dollars in cash.

Q. Well, now, I started to ask you whom you included in this class, and you have only been able to think of one.—A. I included two.

Q. Did you ever find out that you were wrong about Fred Sanders?—A. No, I never found out I was wrong about him, I may have been wrong, but I haven't found it out yet.

Q. Then who was the one curb-stone broker in real estate that you can think of in all the vicinity here?—A. He is the only one.

Q. Everybody else was doing the regular square deal?—A. As far as I know.

Q. You had never heard anything otherwise until Linnen and Moorhead came here, had you?

A. I had never heard there was anything being done against the Indians except by Fred Sanders, and I supposed Fred Sanders was the man. It was only a rumor, but I was willing to publish it and take the chances of being arrested for libel, as far as that Fred Sanders case was concerned. I had pretty good evidence. I had very good evidence that I was right.

Q. Do I understand that up to the time that Moorhead and Linnen came here, you were satisfied with the conduct of all these dealers as square dealers with the Indians in the purchase of land, with the exception of Fred Sanders?—A. Well, now, you are confining it to Fred Sanders. I said the business men—I was satisfied that the Merchants' National Bank was doing a square business; I was satisfied that George Hamilton was doing a square business; I was satisfied that Phil Converse was doing what he thought was right, and Carman;

I was satisfied that those men were doing what they thought was right, and that this man Schroeder here that you have mentioned, I was satisfied that he was doing all right. I was satisfied that those men were doing a legitimate business.

Q. And Kolb and Waller?—A. No, I didn't say Kolb. I believe I mentioned Kolb, but I know I made an exception of Kolb.

Q. No, you have not heretofore.—A. Well, Kolb is the one; it is known everywhere that Kolb was one man that I included in my publication.

Mr. GEORGE. Included in what way?

The WITNESS. I criticized him repeatedly.

Q. And Waller?—A. I never said anything about Waller. I didn't know anything about Waller. As a matter of fact, I didn't know anything about any of these men excepting Fred Sanders. I didn't get any evidence that I would base a charge against any of them, because, after you have read all the affidavits against all these reputable business men, the affidavits against me, which I know are absolutely false, then I don't believe anything, scarcely, and I didn't believe a man would do what you charge.

Q. You think because they were charged in these affidavits that they all must have been good?—A. What?

Q. Because they have been charged in these affidavits of Morehead and Linnen they must necessarily have been all good?—A. I only judge from my own experience. I mean it was very hard to do what is absolutely right in dealing with those Indians. I never gave them a drink of whisky to get them to sell land to me, we showed before the court that they had received every cent we agreed to give them, but they claimed they were full bloods, and they had come to us and said that they were mixed bloods.

Q. Mr. Beaulieu, when did you first become dissatisfied with Morehead and Linnen, with their report?—A. Well, after I heard that they had said to the Indians if they would declare themselves as full bloods they would get their lands back. Indeed, their interpreter told me that himself. He said Mr. Linnen was not quite satisfied with Mr. Morehead's statements.

Mr. GRAHAM. There are three interpreters named. What one do you refer to?

The WITNESS. Charley Moulton.

Q. When did he tell you, at that time?—A. He told me along about that time.

Q. While he was still interpreting for them?—A. Yes; I guess so; while he was still interpreting for them.

Q. He told you that they were endeavoring to obtain the assent of the Indians to that proposition, namely, that they were full bloods, in order to get back their lands?—A. Yes; he said they talked it in such a way, and even went further to say that they had made these statements to them.

Q. And thereupon you became dissatisfied with them?—A. I became dissatisfied.

Q. And you have continued that dissatisfaction to the present time, have you not?—A. Yes; I should say so. I am more dissatisfied since I have met Mr. Linnen.

Q. You have been "agin" them right along, all the while?—A. Well I feel he is not a fair man. I think I will be able to show that, after to-morrow.

Q. Yes. Now, did you imbibe the same notion about the other people that were sent out here later on?—A. When Mr. Long came out here—and I believe Mr. Long will bear me out in this—I wrote him that we were willing to help him out. I even published an article in my paper, saying to go to Mr. Long and help him out. If Mr. Long will recall that, he will remember that.

Q. He didn't accept that, did he?—A. No, sir; he didn't. I assume that he didn't from his actions.

Q. Your proffers of friendship—I mean assistance and friendship—were not favorably received by Mr. Long?—A. I don't know as I offered any friendship particularly or assistance particularly; I think I published in my paper that it was up to everybody to receive him and help him out the same as I did.

Q. When did you first become dissatisfied with Mr. Long, and what for, and the party he was with?—A. Well, after I saw that they wanted to prolong their work and extend it indefinitely, as I believed—as Congressman Steenerson says—for a hundred years, I became dissatisfied. I felt like everybody else in this country, that the Burch corps, of course, were trying to extend their employment indefinitely without regard to the conditions up here or the hardships it placed upon the buyers and the settlers.

Q. You wanted to drive this corps out, didn't you?—A. I wanted to compel the corps to do business, for they had been here two years and over, and what have they done? They have simply filed a lot of lis pendens suits and didn't try any of them. You said in your notices last summer that you were going to try some by the first of October or November.

Q. Now, I am not going to argue the case; I am going to ask the question.—A. That is what I want to know and want to find out why, and I am telling you——

Q. Your principal reason for dissatisfaction with them was that they were prolonging their service?—A. No; not because they were prolonging their service, but because they were keeping everything in the condition they were keeping it without stopping matters.

Q. For that reason you became very hostile to them, did you not?—A. I criticized them in my paper, if you call that hostile, and I am hostile to them probably nearly as much as they are to me. I haven't gone to the extreme of having any of them indicted, though.

Q. The matter of your hostility to them took a very active form, did it not?—A. Well, if you call publishing criticisms of them in my paper and afterwards charging them or making charges to the Indian Committee of the House after the Democrats got control, then I have been very active.

Q. Did you make charges also to other Members of Congress?—A. I made charges to the department, through Senator Clapp; that is, we mentioned that last winter to him, and people came up here and made charges to him.

Q. Now, in fact, you did this by concerted action with others, did you not?—A. With the delegation that was down there we may have.

Q. Any others?—A. No, sir; but there were some representatives from the towns here, I guess, that we saw several times, but we never consulted with them. The delegation that went from here didn't work with us. They worked with the Indian Office after they got down there.

Q. Do you know a man by the name of Fred Johnston in Washington?—A. Yes; he is a newspaper correspondent there.

Q. He is also an agent of yours, is he not?—A. No; he is not an agent of mine.

Q. Have you not paid him money for services and information furnished you?—A. Information and services?

Q. Yes.—A. I paid him last fall for some work that I wanted him to look after. It was while you were getting your evidence before this committee. I think I paid him a month or so.

Q. Did you pay him from Nichols-Chisolm Lumber Co.'s money?—A. No, sir; I paid him from my own money.

Q. Did you pay him from money raised by contribution here for the purpose of driving out what you call the "Burch force"?—A. No, sir.

Q. You paid it strictly from your own funds?—A. I paid it strictly from my own funds.

Q. You say he was a newspaper correspondent?—A. He was a Duluth News-Tribune correspondent at that time.

Q. Oh; did he hold any other position at that time?—A. Not at that time, I think. I believe now that he does.

Q. Was not he a clerk in Senator Clapp's office?—A. He is now, but not at that time.

Q. Did he make his headquarters in Senator Clapp's office?—A. No; not that I know of.

Q. Didn't you pay him for his influence in and about Senator Clapp's office?—A. No.

Q. At any time, I mean, since the Linnen and Moorhead people came here?—A. No, sir; I never did. That is the only time I ever employed Mr. Fred Johnston. I didn't have to pay anybody for that matter.

Q. How long since he went into the employ of Senator Clapp?—A. Well, I was surprised to see him there when I arrived this winter. I don't know when he went in. I had not heard from him since he wrote me last about the investigation in which you were a witness, Maj. Howard, and Mr. Hinton.

Q. Before this committee?—A. Yes; before this committee.

Q. Did you pay him for any other service?—A. No, sir.

Q. Do you know of his visiting the Indians Relations Committee of the House, in your interest?—A. No, sir; I never employed him to so. I never asked him to do so.

Q. You had no understanding with him that he should visit the Indians Relations Committee of the House of Representatives?—A. Unless it was during the time that you were down there, that we wanted to get some information.

Q. He has not been for a long time a regular correspondent of yours for pay, for hire?—A. No, sir.

Q. He has all the while been a correspondent of the Duluth News-Tribune?—A. Yes, sir; that is, I first knew him as a correspondent for the St. Paul Despatch.

Q. Didn't you ever know of his being in the service of Senator Clapp until just recently?—A. I never knew until just recently, because we had ceased to correspond, during the last summer some time.

Q. Do you know a man in Washington by the name of Henderson?—A. Yes, sir; very well.

Q. An attorney?—A. Yes, sir.

Q. The same man that led the caravan council here in his interest?—A. Well, now, Mr. Burch——

Mr. GRAHAM. Please avoid these characterizations, Judge; I hardly think it fair. Other words are just as good.

Mr. BURCH. I mean the council that went about with six loaded wagons.

Mr. GRAHAM. I remember the occasion very well, but choose some other word, please, rather than the "caravan council," if you can find one.

Mr. BURCH. Well, the traveling council, then.

Mr. GRAHAM. That is reasonable. The evidence showed it to be that.

Q. They traveled, didn't they, in these loaded wagons with numbers of Indians? You testified, didn't you, that they had six wagons loaded with men?—A. No, sir; I testified that five or six loaded teams went to Callaway to attend a council and that the same number of teams possibly went to Flat Lake also to attend a council.

Q. He was the man that was with you in this Mille Lac affair?—A. Yes.

Q. And got part of the funds that you did for his services?—A. Yes.

Q. That is the same man that is interested in the present Mille Lac suit in the Court of Claims, and supposed to be with Mr. Edgerton as the leading council, and in connection with this?—A. Yes.

Q. The same man?—A. Yes.

Q. And he was going about to get the attorneyship from the Chippewa Indians of Minnesota to sue for their swamp lands?—A. Yes; he was going around as I understand, to get an attorneyship under the authority of the Indian Office.

Q. Were you to be interested in that contract also?—A. Not at all.

Q. You know him, then?—A. I knew him very well.

Mr. GRAHAM. Is this D. B. Henderson you are speaking of?

The WITNESS. Daniel B. Henderson.

Q. Now had you an arrangement with him whereby he was to take part in this matter of getting rid of the Burch force?—A. No, sir. He was entirely too conservative to suit me, as far as the Burch corps was concerned.

Q. Did he go frequently to the Indian Relations Committee of the House in your interest, or at your suggestion, to endeavor to get the committee up here as part of this combination?—A. I believe he assisted me; I wanted a committee to come up here after the Democrats came in, because I had more confidence in them than I had in the Republican House, because we had failed in the Republican House.

Q. Will you tell us what "we" means? Perhaps we can determine whether that is a compliment or not.—A. I mean by "we" almost every man on the reservation, from what I hear now.

Q. Now, about D. B. Henderson. Was he a party to this arrangement to get a committee sent here from the Indian Relations Committee of the House? Wasn't he?—A. Yes, sir.

Q. He frequently, at your suggestion, called upon the chairman of that committee and got that subcommittee started up here, did he not?—A. Well, we started in to try to get the committee, the Indian committee, Mr. Stevens——

Q. Now, did you ever have a regular combination of yourself and perhaps some colleagues immediately about White Earth, and this Fred Johnston in Washington, and D. B. Henderson in Washington, to have a subcommittee of the House of Representatives Indian Relations Committee—the personnel of which you were planning to arrange, and particularly consisting of three certain members if you could get them, of the House of Representatives—to come here with the expectation of pursuing at your suggestion a certain program relative to the United forces of the Indian Bureau and the Department of Justice, with the intent to discredit them, to make false charges against them of various kinds, particularly of being corrupt as to one representative of each one in the matter of the passing of the fee-simple recommendations, for the allowance of the fee-simple patents, and in the same manner that you had previously charged against Mr. Linnen and Mr. Moorhead of inducing the Indians to testify falsely about their blood status.

Mr. GRAHAM. Just wait a moment.

Mr. BEAULIEU. I would like to have you read that speech.

Question read.

A. I can not answer that yes or no. I will have to explain just as briefly as I can.

Mr. BURCH. Well, I will add to it.

A. Very well, if you will let me answer your question then you can add something more afterwards.

Q. Well, I have just one——A. Well, I want to——

Q. Wait.

Mr. GRAHAM. Mr. Burch is asking the questions and he has a right to, and if you can not answer them we will have to get along some way.

Q. And were you not in that respect, in combination with certain parties at Mahnomen and up the Soo Line here and in Detroit, by agreement, that they were to furnish to that committee evidences of the depression of business and one thing and another of that kind, while you furnished evidence of these other and more serious charges—I refer particularly now to Mr. Cooper, an attorney whose name has been mentioned and who is a witness here, now at Mahnomen, and others of the Mahnomen Commercial Club—now I will add to it—any combination for that purpose?—A. That is a pretty long question. I will try. If I make a mistake——

Mr. GRAHAM. Do the best you can.

A. I will do the very best I can. So far as getting a committee here, I have stated I wanted a committee after the 4th of March last; I wanted a committee here. We made no effort to get a committee here prior to that time, although we had laid our plans to get it. The Indians, I mean. I went and saw Mr. Stevens at Washington, with some of the delegates, and we had consulted with him, and told him the situation up here, and that we wanted an investigation and gave him our reasons for wanting the investigation, and he said "There is now a committee investigating matters and I will take you over to the chairman and introduce you to him." I went over with the delegation; there were three members in that last delegation.

We went over to the House Office Building, and we were taken in there, and there were three or four persons—I think they were then giving their testimony—and Mr. Stevens called the chairman of the

Graham committee out and introduced us to him—just merely int
duced us to him—and stated briefly something about what we w
after; and then we went back from there, and we had some furt
talks a couple of times after with Mr. Stevens; then shortly af
that I left Washington, and my brother remained there—he was c
of the delegates—and George Berry and Jack Rabbit, they remain
there and tried to get certain matters through—I can not recall n
what they were—but particularly about this committee; and we h
also made charges to the committee, the charges that I shall attem
to prove after tomorrow—made charges to the Indian Committee
the House. In fact, we made them as soon as we arrived there, a
I believe I filed similar charges or copies of those charges with t
Graham committee. I sent them at least affidavits; I don't rec
just how much my charges covered, but with the Indian Committ
I filed more charges, and these were in line with the charges I h
notified the Indian Office right after the election that I was going
file against Maj. Howard with the Indian Committee of the House
that is, of Congress; and then after the 4th of March I filed tho
charges with Mr. Stevens and then came back here to Minnesot
and about two weeks after I came back I was indicted.

Adjourned until 9 a. m., Wednesday, February 7, 1912.

ATION

Transcribe. Ex finds 26
7/6/12

WHITE EARTH RESERVATION

No. 21

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 7, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

WEDNESDAY, FEBRUARY 7, 1912.

GUS H. BEAULIEU—Recalled.

Examined by Mr. BURCH:

Mr. BURCH. I would like to have the last question and answer read.

The last question and answer were read by the reporter.

Mr. BEAULIEU. I want to add a little more to that, or I should say, in reply to your question as to whether I didn't want to get certain members on that committee.

Mr. BURCH. Proceed.

Mr. BEAULIEU. I never thought of that. Of course, if I had had a choice, I should have been glad to name them; but I didn't think they would consider the request. We simply asked for a committee to come up to Minnesota and investigate conditions here during the past summer.

Q. Did you not know more than a year before that time that the Interior Department had transmitted these White Earth matters to the Department of Justice, with the request to institute proceedings, civil and criminal, against the parties who were complained of in the Linnen and Moorhead reports? Had you not know that for more than a year?—A. I knew that the Department of Justice had its representatives up here investigating matters, that they had been investigating a great deal more than a year, and in fact I made charges against them as well as conditions of the reservation generally in regard to the ways of the employees.

Q. I will put the question to you more directly. Had you not been informed more than a year previous to this time when you were in Washington last spring, that the Secretary of the Interior had requested the Department of Justice—now the Secretary of the Interior had requested the Department of Justice to investigate and begin criminal and civil proceedings against the parties complained of in the Linnen report?—A. Yes; I saw in the papers away back, I think in 1909, the fall, I think, of 1909, I saw in the papers something to the effect of what you have just stated.

Q. Well, that is a good answer. Did you not know that Mr. Gordon Cain, as an attorney, and Mr. Harper, as a special agent, were investigating at least six months before this period, what I might term the criminal features of these White Earth matters against you and others?—A. No; I did not.

Q. You didn't see that in the papers?—A. No, sir; because I was not named.

Q. Well, against the parties mentioned in the Linnen and Moorhead report?—A. I heard that they were investigating matters generally upon the reservation to see whether frauds had been committed that were charged; that is what I heard; but I didn't hear as to Mr. Harper, and I don't recall ever having seen Mr. Cain, this gentleman here [indicating]. Well, I didn't know him, I guess, until when he tried us, and I can say this much for Mr. Cain, we considered him all right, he is one of the men I considered all right.

Q. Well, I thank you on behalf of Mr. Cain. What I wanted to know is this. You seemed to give the inference in your answer last night that you were indicted three weeks after you got back here, because you had criticized the Department of Justice and the Department of the Interior officials engaged in this work. Now, what I want to say is that, as a matter of fact, you must have known, and I ask you that, that they had been long at work upon this matter and that it had long been contemplated.—A. Well, I can only say that I knew they had been at work, but I didn't know what they were doing.

Q. You have full knowledge of just how matters are conducted, having been a deputy marshal, in the drawing of jurors, etc. Now, it was three weeks before your indictment; you would naturally know that the grand jury would be in session some time before you were indicted, and that the grand jury would have been drawn quite a considerable time before your indictment. Now, could it have been—I put this question to you—could it have been that the grand jury was drawn, the term of court commenced, the investigation for the indictment had, and the indictment found, all within three weeks from the time of your return here?—A. I didn't state that—that it could all happen within three weeks.

Q. Then you disclaim, do you, the inference that you were indicted because you criticized these officers?—A. Not in the least.

Q. You don't disclaim that?—A. No, sir.

Q. If the Interior Department did request the Department of Justice, a year and a half or a year and a quarter before, to institute proceedings, civil and criminal, upon the basis of the Linnen and Moorhead report, and you were subsequently indicted, among others, would that indicate to your mind that it was done by the force here, out of revenge upon you?—A. Yes; for this reason, that I had been criticizing the Burch force constantly in my paper for delaying matters, as I thought, and not going after things as they should have done, not coming to trial on any of their cases; and I was indicted, I think, out of revenge—that is, spite work, because if it hadn't been spite work they would have indicted a lot of men against whom they had secured evidence and affidavits, which they read here yesterday.

Q. Now, Mr. Beaulieu, did Waller and Kolb and the other parties indicted at the same time, publish papers?—A. No; of course they didn't publish any papers.

Q. Well, why should they have been indicted? You seem to leave the impression here, and it would go before others who might read this record, that you alone were indicted. It is true, is it not, that there were two other indictments besides yours, and that there were some 10 or 12 parties indicted?—A. Ten or twelve parties indicted?

Q. Yes. Eleven, I think.—A. It is true that there were three indictments, and by these indictments there were 10 persons indicted.

Q. I thought it was 11; but, then, you may be right.—A. Well, it may be that, but of that number seven of those were members of the tribe who had joined us in opposing, in bringing out these facts against this force.

Q. You speak of members of the tribe. Now, you include such men as Ben Fairbanks and Leecy, and those nearly white people who are called mixed bloods, don't you?—A. Well, whites. You say the other whites, and I say the other Indians. They are more Indian than white. Leecy is almost a full blood; but when I speak of those persons I mean Joe Beaulieu, who had criticized the force, and Van Oss, who always talks a great deal, and those four men that were associated with me; William Uran—they are all mixed bloods; they had taken a very active part against the Burch force.

Q. Then, your theory is that only those were indicted who had been active in criticisms of the Department of Justice and the Interior forces here.—A. Yes.

Q. Now, your cause for reaching that conclusion was that certain prominent parties here in the department and elsewhere were not likewise indicted?—A. Yes, sir.

Q. That was the way it appeared to you from your point of view?—A. Yes, sir.

Q. Would you kindly name, for instance, the persons you mean when you speak of these very prominent persons who should have been indicted?—A. Well, I mean all those men against whom Mr. Linnen read affidavits yesterday.

Q. Yes. Well, I appreciate your motive in not desiring to call names and I respect it. That is all right. Now, that was your conclusion that only those were indicted who criticized; well, those who kept their mouths shut and didn't criticise were not indicted—from your point of view?—A. Yes, sir.

Q. Yes. Now I know. I suppose that will be the subject of further investigation by the committee. I would like to know, Mr. Beaulieu, who were engaged with you in the matter of the charges of criminal character against members of the Departments of Justice and Interior. Who were engaged with you and intending to prove to this visiting committee the charges of a criminal character, corruption, against members of the Interior Department and Department of Justice?—A. Well, I should say, introduce them as witnesses, the parties who were engaged with you, I would say a large number of the reservation people.

Q. Well, now, I will refer more specifically to the charge that fee-simple patent recommendations were being purchased of Messrs. Long and Hinton and paid for. You intended to make that charge, did you not, and did make that charge?—A. That I did make that charge?

Q. You did make that charge, did you not, that Messrs. Long and Hinton were taking money for recommending the issuance of fee-simple patents?—A. I never made a charge that they had accepted——

Q. Well, what was the exact nature of the charge made?—A. If you want to know, I never made any charge that Mr. Hinton was engaged in getting fee patents or trying to get fee patents for anyone.

Q. Mr. Long?—A. I had charged that Mr. Long—I didn't charge—I stated that Mr. Long was interested, I don't know as I made a

charge, but I will introduce evidence that Mr. Long got certain parties to make application for fee patents.

Q. That Long personally did?—A. He personally called upon a certain person upon the reservation to apply for fee patents.

Q. Very well, then, if that is the case, I want to find that out.—A. I have not filed that as a charge, but I shall introduce evidence.

Q. Well, now, did you not have this kind of a charge arranged for, that Kolb, Waller, and perhaps one or two others of the so-called bankers who testified before this committee, through the mediumship of Harry Melrose, a citizen of this place, Long and Hinton—that is, using him as a middleman or go-between—that Long and Hinton were taking money for the passing of recommendations to the Commissioner of Indian Affairs for fee-simple patents?—A. No, sir; I don't believe that I ever talked to Mr. Waller about this matter, about fee-simple patents. I may have mentioned it, but I don't recall it; but I never talked with Mr. Kolb, because I have not spoken to him for several years, since I criticised him in my paper.

Q. It is not that you talked about it——A. I know; but I say I never did.

Q. That is not it; but did you not propose to have those men testify; was not that a part of your plan to have these men testify, as I have stated, before this committee that should come here?—A. No, sir; I never——

Q. You had no such plan?—A. No.

Q. Did you not furnish Senator Clapp; that is, make charges to Senator Clapp in Washington, that these men were doing this; that is, Hinton and Long were taking money for passing fee-simple patents?—A. No, sir, I never did.

Q. You are absolutely certain about that?—A. Well, I told you. I couldn't be more positive than that.

Q. Well, that is all right. Did you do it indirectly, through Fred Johnston?—A. Fred Johnston?

Q. Yes. Did you say to him that Senator Clapp should be so informed, not by you directly, but indirectly through Fred Johnston?—A. No, sir. I never said anything to Fred Johnston. I never mentioned our suspicions, but I didn't make them as charges. I may have mentioned them to Fred Johnston, but I have no recollection of ever having mentioned it.

Q. Well, you say you did not?—A. I say I have no recollection of it.

Q. He was assisting you there in that office, was he not, at that time?—A. In what office?

Q. Senator Clapp's office—that is, he was about Senator Clapp's office and was assisting you?—A. No; he was not assisting me in this at all, in this matter or any other matter while we were down there. It was only during the summer when you had some witnesses there from White Earth Reservation before the Graham committee that I had him looking after my interests.

Q. Were you not in constant correspondence with him before that time?—A. No; I didn't correspond with him only on very rare occasions.

Q. Did you receive information from him of what was going on from the time you left Washington until these investigations were

on?—A. No, sir; I didn't. I had but very little correspondence with him.

Q. Did you, after the first series of hearings of this committee, have correspondence with him?—A. I think we corresponded possibly a couple of weeks or so after that.

Q. Do you know Nicodemus Hurr?—A. Yes, I know him.

Q. He was the man that was spoken of at Minneapolis or mentioned in the testimony as having been once a school-teacher and then having gone into the employ of the Nichols-Chisolm Lumber Co.?—A. Yes.

Q. He is here, is he not?—A. He is in the city.

Q. He is in the court room now, is he not?—A. Yes.

Q. Now, after he went into the employ of the Nichols-Chisolm Lumber Co., did you have information through him of what was going on in the Indian Office, or Indian Bureau at Washington, through Mr. Hurr?—A. Not in the Indian Office at Washington; no.

Q. Did he ever tell you that he had a cousin in the Indian Office at Washington who was keeping him furnished with information which was used for your benefit, of what was going on there?—A. No. He spoke of his cousin, but he never told me anything about his correspondence with his cousin. He mentioned at one time that he had a relative there.

Q. Is it not true that you knew that cousin yourself, personally?—A. No, sir; I never knew him. I never met him in my life.

Q. Do you know his name?—A. I don't know his name.

Q. Have you ever heard his name?—A. I heard it several times, but I don't know it now. I never paid any attention to it.

Q. Was he an Indian?—A. I think he had Indian blood.

Q. Do you know what city he was from?—A. I don't know anything about him whatever.

Q. Well, did you not state—that is, during the summer—that you had ample means for information as to what was going on there, through Fred Johnston, who was connected with Senator Clapp's office, and a cousin of Nicodemus Hurr, who was employed in the Indian Office—Indian Bureau?—A. Positively no.

Q. You did not?—A. No, sir; I never did.

Q. Now, had anybody told you that Kolb and these other bankers were willing to testify that Melrose was acting as a go-between for Long and Hinton in the passing of recommendations for fee simple patents?—A. No, sir; I never—I have stated here that I had never had any conversation about those matters——

Q. Was it a part of your intention?—A. That is, I don't recall that, but I might have mentioned, I might have talked the matter over with Mr. Waller, but I can not recall that I did. It was not of sufficient importance to me.

Q. Was it not one other of your intentions to show before that committee that Messrs. Harper, Hinton, and Long, of the combined force which you call the Burch force, were persuading these Indians, or suborning these Indians to perjury, in swearing that they were full bloods instead of mixed bloods, by promising thereby to get back their lands?

The WITNESS. Now, Mr. Chairman, he is asking me a whole lot of things about what I intended to show before the committee. Shall

I go on and go over this thing before him? I made the charges, I don't deny these things, but why should we take up the time of the committee? I made the charges and he knows what those charges are.

Mr. GRAHAM. Well, I don't know how long Judge Burch may be with us, and he has a right to ask any questions; but, in order to put this right in the record, I think it perfectly proper for you to preface your answer by stating that it was your intention, when your turn came, to show those things yourself. That will give you the same advantage as if you waited to tell them, and will also answer the questions.

Last question read by the reporter.

A. If my saying that they were full bloods, or asking the Indians to say they were full bloods, was a charge that they—I don't quite catch that—but I wish to say if by telling the Indians, or asking the Indians to become full bloods, meant that they were going to give their lands back to them, then I would call that a charge; that was my intention to show that they had asked the Indians to become full bloods. The natural inference was that it was for the purpose of the recovery of their lands for them, and I shall produce evidence here to that effect.

Q. Did you never urge this to Mr. Henderson as a part of this arrangement, to obtain a subcommittee of the particular Indians Relations Committee, any one particular person; did you never ask Mr. Henderson or anybody else to urge that some particular person be put on that committee, some particular Congressman?—A. No, sir; I never did.

Q. Did you ever discuss the advisability of different Congressmen being put on with Mr. Stevens or Mr. Henderson? I mean Mr. Stevens, the chairman of that committee, or Mr. Henderson, or Mr. Fred Johnston?—A. Never with Mr. Fred Johnston; but Mr. Henderson spoke to me, and I said if certain persons were put on the committee they would be all right, they are good men, they understand the Indian business perfectly. He named them; I don't recall who they were. I think he named among them Mr. Ferris.

Q. Scott Ferris, of Oklahoma?—A. I think that was the name.

Q. Did he mention Mr. Miller, of Minnesota?—A. No; he didn't mention Mr. Miller at all.

Q. You didn't hear Miller's name in that connection?—A. No. Because for my part I would not have favored Mr. Miller.

Q. Well, you didn't hear his name mentioned at all, didn't see it in the newspapers?—A. Well, I might have seen it in the newspapers, but I didn't hear it mentioned.

Q. But Henderson didn't mention his name to you?—A. Well, he mentioned him in connection with it. I stated that I didn't care about having Miller.

Mr. BURCH. I think that is all.

Examined by Mr. DENNIS:

Q. Mr. Burch, in his examination, refers to Mr. Fred Johnston, who was in Senator Clapp's room. Do you know what Fred Johnston has been doing for the last five or six years?—A. Well, since I first knew Mr. Johnston, he has been in the newspaper business, correspondent.

Q. Do you know whether he has ever been employed in Senator Clapp's committee room, up until within two months ago?—A. I never knew it until I went down there last month.

Q. Had he ever been employed there, that you know of, before that?—A. Never before that I know of. I never saw him there.

Q. Never had any connection with Senator Clapp?—A. Not that I know of.

Mr. BURCH. Did you not usually find him in Senator Clapp's committee room?

The WITNESS. No, sir; I never saw him in Senator Clapp's committee room—that is, around there as though he was an attaché of Senator Clapp's office, but I have seen him come in there occasionally like any newspaper man will.

Q. Did you ever hear that he has been in the wood and coal business about three years in Washington?—A. I don't know, I simply heard that he was in that business.

Q. Doesn't he have an office down on Pennsylvania Avenue in the Post Building?—A. I didn't know that as a newspaper man he had an office in the Post Building. He was then with the St. Paul Despatch, when I first knew him.

Q. Formerly a resident of Minnesota?—A. Formerly a resident of Minnesota, so he told me.

Mr. BURCH. Didn't he run for judge up here, and didn't you defeat him?

The WITNESS. No; I didn't—not in this district—I am talking about one Johnston and you are talking about another.

Mr. BURCH. Not the same Johnston?

The WITNESS. No. Of course I would have voted against him, because he was of the opposite party.

Mr. BURCH. It would not make any difference if it wasn't this Johnston. I don't care what you did to anyone else.

The WITNESS. Well, you asked me and I answered you.

Examined by Mr. GRAHAM:

Q. Mr. Beaulieu, you stated yesterday evening in answer to some questions asked you, you thought that "we" felt sure that the Indian Department was implicated in the scheme of bidding at the sale of lands.—A. Yes, sir.

Q. Did you refer to the Crookston sale?—A. No.

Q. What sale did it refer to?—A. It referred to the Wisconsin plan.

Q. But what bidding did it refer to? I don't ask what plan, but what bidding?—A. Well, it is what we have been designating here before the committee as the Herrick bids.

Q. Was not the Herrick bid made at Crookston?

Mr. BURCH. Oh, no.

Q. Where was it made?—A. It was made at the White Earth Agency.

Q. That was a sealed bid, was it?—A. I presume so. I believe so.

Q. Well, now, in that statement, who does "we" include?—A. The members of the reservation, the White Earth people.

Q. By what authority do you undertake to speak for all the White Earth Reservation people?—A. Well, I speak for all the White Earth Reservation people because we were all together there. We

had called meetings, and we discussed the matter, and we had been authorized to act for them—that is, Mr. Fairbanks, Henry Selkirk, and myself.

Q. Do you say that you had meetings there, or councils there, which were properly called, and after sufficient notice, and which fairly represented the whole reservation?—A. Not the first council. I do not believe the first council, where we went to St. Paul to see Senator Clapp—I don't think that was a general council, just a meeting of the people in the village, because we had no time; according to the notices we had only two weeks' time to put in our protests, because the sales were set for a certain date, which would take place within two weeks.

Q. I wish you would mention here the names of most of the men, the principal men who were associated with you, as representatives, from time to time, and whom you include in the "we" you so often used.—A. Well, I can say all the chiefs, the old chiefs. For instance, Mauch-zhe-ke-ge-shig.

Q. If they have English names, give them also.—A. They have no English names. And Wah-wah-ye-cumig, and Andrew Dailey, and William Potter, and Joseph Critt—I am naming the chiefs now. And at that time, William Wright, or White Cloud, a brother of Charles Wright; I guess that is about all the chiefs I can recall the names of just now; but all the chiefs joined in the councils we held there.

Q. Whom else do you include in the word "we" as you use it?—A. Well, I include all the people in the village of White Earth, and the village consists of about six or eight hundred people anyway.

Q. In speaking of bidding, I presume you refer to the handing in of sealed bids for the various kinds of timber on the land in question?—A. Yes, sir.

Q. Of course, you heard the testimony at Minneapolis to the effect that the Herrick bid was very much the best bid there?—A. I heard that at Minneapolis; yes.

Q. Do you agree with that testimony?—A. No, sir; I do not.

Q. I refer particularly to the testimony of Mr. Winton, I believe it was. Wherein do you not agree with him?—A. I believe that the Nichols-Chisolm Lumber Co. had a better bid than Mr. Herrick. If I recall distinctly, his bid was very much higher for the hardwood than that of Mr. Herrick, only he had less per thousand on pine timber.

Q. Are you reasonably sure about the pine?—A. Well, that is my impression now. I think that is what I was told at the time. I never saw the bid.

Q. Well, you heard the testimony about it, and statements were presented, showing it, at the hearings in Minneapolis?—A. Yes.

Q. What hardwood was included in the bid which really made any difference?—A. Oh, all the hardwood on, I think, about 20 townships on the reservation.

Q. My question was, What kind of wood?—A. Well, everything—everything, that is——

Q. You heard the testimony there that as to maple, poplar, some kinds of oak, and some other hardwoods, a lumber company could not afford to take them as a gift and agree to work them into lumber?—A. Why, I don't agree with that statement at all; but that question suggested something to me, because at the present time Mr. Sprofka

is paying almost as much for hardwood as some of the companies are for pine.

Q. Yes; but this sale did not occur at the present time. This sale occurred when?—A. Well, the sale occurred in 1905.

Q. That was seven years ago. Now, let us see about this hardwood proposition. How would they get the hardwood to the mill?—A. They have mills right in the woods.

Q. Hardwood is scattered about so that they could not conveniently get the hardwood to a mill at any one point, could they, without shipping?—A. Oh, yes; there has been one mill located at White Earth—Strawberry Lake.

Q. Well, did not they, as a matter of fact, ship a good deal of these logs to mill?—A. No; not any.

Q. Not any of them?—A. No; not any of them.

Q. Then why was it that your associates in the employ of the Nichols-Chisolm Lumber Co. told us yesterday that the Nichols-Chisolm Lumber Co. and the Park Rapids Co., and the other company involved, were buying the control, here, there, and yonder, and then redividing it, making the division rest upon proximity to streams, so that they could get the logs to the streams and float them off easily?—A. That was in regard to pine timber, not the hardwood; hardwood doesn't float at all.

Q. That is the very point I want to get at—and therefore it can not be shipped as cheaply as pine can?—A. It can not be shipped from the woods, of course, as easily as pine.

Q. That is my point. Now, then, when they divided the land as to pine they also divided it as to hardwood, didn't they?—A. I think not, because I don't think the Nichols-Chisolm Lumber Co. were dealing in hardwood.

Q. Do you mean to say that they made one division of the land as to pine, and a different division as to the hardwood on the land?—A. No; they made a division as to the pine only, because those companies were dealing only in pine.

Q. I do not understand you. Do you understand me? There is no use talking at cross-purposes. Let us first understand each other. When they redivided the land each company took its land in a body, convenient to streams for easy shipment?—A. Yes.

Q. The land thus divided, or rather the timber on the land thus divided, all went to the company taking a certain tract? That company did not take the pine and leave the oak, or the elm, or the bass, or the cottonwood, or the maple, and the other hardwoods to the owner that originally purchased the land, did it?—A. Yes; they did, under their agreement with the Indians. That is, under their pine-timber agreement they took only the pine.

Q. But these contracts, these sealed bids, covered all kinds of timber.—A. You are speaking of the sealed bids, and I am speaking of the present.

Q. I am not speaking of the present, I am speaking of the sealed bids. In your charge that the department was implicated in the scheme of bidding, which I want to get to, when——A. I misunderstood you; I thought you meant the present.

Q. Well, I could not see that your answers were relevant. Now, let us go back. In 1905, when this timber was sold, it included the hardwood as well as the pine?—A. Yes.

Q. Included everything merchantable on the ground?—A. Yes.

Q. Then the purchasing companies rearranged their purchases, each taking certain tracts along streams convenient for shipping?—A. Yes, sir.

Q. That included the pine and the hardwood on this land?—A. I do not understand that the companies that were bidding were to divide that at that time, under the bids of 1905. I think it was only one company that was to get the whole thing.

Q. Mr. Beaulieu, you surely understand me. You are not answering my question at all.—A. I do not understand.

Q. You are not evading it, are you?—A. No, sir. I don't think you understand what you are trying to get at.

Q. Perhaps so.—A. Because the country was divided between the Wild Rice Lumber Co. and Nichols-Chisolm Lumber Co.

Q. And the Park Rapids?—A. And the Park Rapids Lumber Co. Now, they divided that only after the Clapp Act was passed; and they purchased the timber—that is, they sold each other the timber that they had purchased from the allottees. But prior to that time there was no division as to territory; one company was to get the whole thing; and that was our division.

Q. Well, this is not so important as the point I want to reach, and now I will ask you to explain to the committee how the Indian Department was implicated in this scheme—as you have called it—of bidding. I want you to do that clearly and fully.—A. I will try to give it to you. The Indian Department had a man known as general superintendent of logging.

Q. Name him.—A. Name, Joseph Farr. He was a Wisconsin man, and he came upon the reservation and looked over conditions there for a while, and then later on these notices were seen in the papers advertising the sale of the pine timber upon the White Earth Reservation. That included all the pine timber of the allottees, and so we made our objections as I stated. Now, I was reminded last night in talking over the matter——

Q. I do not care how you got at it. Tell us the facts.—A. Well, I think it is essential, for this reason: We called upon Senator Clapp to help us out. There were present there Congressman Stevens, of this State, Senator Clapp, and a man named Peterson, who was a close friend, as I understand, of Senator Nelson; we went there to present our objections, and those persons were present to hear our objections; and so, in the course of time, after Senator Clapp had put in the protests made by us by telegram, I went personally and appeared before the Secretary of the Interior, Mr. Hitchcock; and he learned there, so he told us afterwards, that the department apparently did not know anything about the proposition. Nobody would take the responsibility. Mr. Leupp did not take the responsibility. Neither did anyone, except that Maj. Larrabee had signed the authority; and then we simply formed our opinion that Mr. Farr had put up this whole scheme to favor those Wisconsin lumbermen, and that the Indian Department, or some person in the Indian Department, was favoring Mr. Farr's proposition.

Q. Was that your only basis for the statement that the department was implicated in the scheme of bidding?—A. Well, that—yes; that where the department did not want to assume the responsibility, there were grounds for believing that they thought it was wrong.

Q. But your answer before the last one stated that the department did not know anything about it, and that the agent of the department, Mr. Farr, out here, was acting without the knowledge of the department. If that be true, how can you say that the department was implicated in the scheme of bidding?—A. Well, I will tell you, when we say "department," we usually refer to the Indian Office as the department.

Q. Well, be specific now, and tell me whom you refer to. Mention names.—A. I did not refer to Mr. Hitchcock, because we considered him a very honest man.

Q. I don't acre about the reasons, but just come to the point.—A. I referred to the Indian Office and to Joe Farr and to all those connected with it.

Q. Who was the head of the Indian Office?—A. Leupp. Francis E. Leupp; and Maj. Larrabee was his Assistant Commissioner of Indian Affairs.

Q. Do you charge that Mr. Leupp and Mr. Larrabee were parties to this scheme; that they were implicated in it, as you stated?—A. I do not charge that Mr. Leupp was implicated in it. I don't charge that Maj. Larrabee was implicated in it—that is, dishonestly. I don't charge that Maj. Larrabee had any intention of being dishonest; but I do charge that the general superintendent of logging, John Farr, did have motives that were not right.

Q. Well, if Joe Farr had improper motives, and were permitted to put those motives into operation, that would implicate both Mr. Leupp and Mr. Larrabee, if not for positive wrongdoing, at least for incapacity, wouldn't it?—A. Well, I presume so. I suppose it would implicate them, because they had not taken care to see that everything was all right.

Q. To do their duty?—A. To do their duty.

Q. This is the way you look at it, is it?—A. That is the way I looked at it then.

Q. Did you call their attention to it at that time?—A. We did, through Senator Clapp.

Q. "We" comes in again. Are you so accustomed to editorial writing that you call yourself "we"?—A. That may be partially the reason.

Q. Well, I wish you would distinguish between the singular and the plural "we."—A. I mean plural "we" now, because we were representing the Chippewas at White Earth—those people gathered at the agency.

Q. "We" means who?—A. Fairbanks; and Henry Selkirk should have been in, but he didn't come in.

Mr. GEORGE. This was at Washington?

A. No; we met Senator Clapp at St. Paul. Now, another matter that I omitted to state here——

Q. No, no; you are forgetting where we were at, but it is my fault. As to the notice which "we" gave to Leupp and Larrabee.—A. We only gave the notice through Senator Clapp, whatever notice there was given.

Q. Did you write to Senator Clapp?—A. No; we went down and saw him.

Q. Was that your business?—A. Yes.

Q. And that only?—A. That was the only business we done.

Q. Do you know what representations the Senator made to the Indian agent or to the commissioner?—A. He wrote a telegram at that time, but I can not recall the substance of it now. I just simply know it was a protest.

Q. What was the purport of it?—A. It was against the sale of the timber under that plan that they had advertised to sell it.

Q. Do you recall whether that telegram gave reasons in support of the protest?—A. No; I can not recall as it gave any reasons.

Q. Of course it is on file there?—A. Yes; you will find it on file. I can not recall. I can't tell you, except that it was a short telegram. It was not a very long one.

Q. Now I wish you would tell all that you know with reference to any action that you and your associates took to convey to the Commissioner of Indian Affairs, or to his office, the reasons why the sale made was not an honest and advantageous sale.—A. Well, I will tell that. When I saw the advertisement—it was called to my attention by a short notice in the paper; I can not recall which paper it was, but I think it was in the Pioneer Press; I can not be positive about that—but I immediately took steps; in fact, there was some excitement up there; it was to take place in two weeks' time, and we thought that in a matter involving millions of dollars it was not right to give notice to sell that much timber on two weeks' notice; and so we called a hurried meeting, and it was decided that Mr. Fairbanks, Mr. Selkirk, and myself were to go and see Senator Clapp at St. Paul. I would not call it a regular council, by any means, but everybody was interested. And so we started down, but after I telephoned Mr. Nichols and told him the situation and asked him to help us out, he said he would meet us at St. Paul. So when we arrived there—I can not recall whether we saw him or what took place; but, anyhow, we arranged for a meeting with Senator Clapp at St. Paul. This was during the recess; and on the day of our meeting, which was a couple of days after our arrival there, we went to see Senator Clapp, and there were quite a number of lumbermen there whom I did not know. At that time Mr. Fairbanks was not acquainted with Mr. Nichols; I don't think he had ever seen him; he may possibly have seen him; but, anyway, he was introduced to Mr. Nichols, and they all presented their views regarding the matter, and we were sitting to one side, separate from the crowd a little, and Senator Clapp said, "I would like to hear from the boys; they are the people most interested in this matter." So I got up and stated our objections to the Wisconsin plan. I stated that we had been informed by the Indians of that reservation that they had been defrauded right along; that is, that under this bank scale they did not get what they were entitled to; that they had no control whatever of their own property; it was sold, measured, and scaled by other people; the money was turned over to the agent, and the only thing they did was to go over and draw $10 a month, or such sums as the department was willing to give them; and we did not like that proposition. The objections, of course, were fresher in my mind then than they are now. There was a further objection; it was a proposition which came up in the discussion; it was that they were to establish a forestry reserve upon the reservation, which would include all our allotments, taking the allotments or the additional

allotments of a large number of people. I know it would have taken in my allotment.

Q. Was that to be a State or national forest reserve?—A. It was a national forestry reserve, similar to that at Leech Lake, and we thought at that time that it was simply a sort of inducement to Mr. Pinchot, who was wild over forestry reserves about that time, to help him out on this proposition, and we stated all those objections; and so we put all those things before Senator Clapp and he put them before the Secretary of the Interior, as I was informed afterwards, and the result was that the Secretary told him that no bids would be received, but they would permit the sale to go on just the same.

Q. Give me the names of all those who met with Senator Clapp at St. Paul on the occasion you refer to.—A. Well, I can only recall one man myself personally, that was Mr. Shevlin.

Q. Since deceased?—A. Yes. There were probably 8 or 10 persons in the room; somewhere along about 8 or 10.

Q. White Earth people?—A. Oh, no; lumbermen throughout the State.

Q. (By Mr. GEORGE.) Lumber-company men?—A. Lumber-company men; but I did not know anyone excepting Mr. Shevlin, I think, and Mr. Nichols.

Q. Then you were the only White Earth man present?—A. With Mr. Fairbanks.

Q. Well, you did not mention him until now.—A. Didn't I mention him?

Q. Well, perhaps I misunderstood you.—A. I said I could only recall Mr. Shevlin. Senator Clapp was there, and Mr. Stevens was there, and Mr. Peterson was there, and that was the first time I think I ever met Mr. Peterson, but I knew Mr. Shevlin and Senator Clapp. I am trying to explain myself. I don't want you to misunderstand me.

Q. Well, I can not tell what you say when you go off on these sidetracks. They don't make it any clearer. Now, of the White Earth people, you and Ben Fairbanks were the only ones?—A. Yes, sir.

Q. Were you both then in the employ of the Nichols-Chisolm Lumber Co.?—A. I don't think Mr. Fairbanks even knew Mr. Nichols at that time.

Q. He was not in his employ?—A. He was not in his employ.

Q. Were you?—A. Well, not directly. As I stated here before, I was employed by him as well as others in purchasing——

Q. What do you mean by indirect employment?—A. Well, they bought inherited lands.

Q. Tell me what you mean by indirect employment.—A. I was employed in this way: That whenever they had anything to look up they would send the matter to me, or anyone connected with the company, about inherited land matters. I was then with the Inherited Land Co., which included Mr. Angus, of Fergus Falls; Dr. McLain, and R. A. Chester, I think his name was.

Q. Well, I am not particular about that. Does a salary go with indirect employment in such cases?—A. I don't know.

Q. What were you getting?—A. I was getting from them $25 for each case that I looked after, at first, and then afterwards I don't

Q. Do you know what representations the Senator made to the Indian agent or to the commissioner?—A. He wrote a telegram at that time, but I can not recall the substance of it now. I just simply know it was a protest.

Q. What was the purport of it?—A. It was against the sale of the timber under that plan that they had advertised to sell it.

Q. Do you recall whether that telegram gave reasons in support of the protest?—A. No; I can not recall as it gave any reasons.

Q. Of course it is on file there?—A. Yes; you will find it on file. I can not recall. I can't tell you, except that it was a short telegram. It was not a very long one.

Q. Now I wish you would tell all that you know with reference to any action that you and your associates took to convey to the Commissioner of Indian Affairs, or to his office, the reasons why the sale made was not an honest and advantageous sale.—A. Well, I will tell that. When I saw the advertisement—it was called to my attention by a short notice in the paper; I can not recall which paper it was, but I think it was in the Pioneer Press; I can not be positive about that—but I immediately took steps; in fact, there was some excitement up there; it was to take place in two weeks' time, and we thought that in a matter involving millions of dollars it was not right to give notice to sell that much timber on two weeks' notice; and so we called a hurried meeting, and it was decided that Mr. Fairbanks, Mr. Selkirk, and myself were to go and see Senator Clapp at St. Paul. I would not call it a regular council, by any means, but everybody was interested. And so we started down, but after I telephoned Mr. Nichols and told him the situation and asked him to help us out, he said he would meet us at St. Paul. So when we arrived there—I can not recall whether we saw him or what took place; but, anyhow, we arranged for a meeting with Senator Clapp at St. Paul. This was during the recess; and on the day of our meeting, which was a couple of days after our arrival there, we went to see Senator Clapp, and there were quite a number of lumbermen there whom I did not know. At that time Mr. Fairbanks was not acquainted with Mr. Nichols; I don't think he had ever seen him; he may possibly have seen him; but, anyway, he was introduced to Mr. Nichols, and they all presented their views regarding the matter, and we were sitting to one side, separate from the crowd a little, and Senator Clapp said, "I would like to hear from the boys; they are the people most interested in this matter." So I got up and stated our objections to the Wisconsin plan. I stated that we had been informed by the Indians of that reservation that they had been defrauded right along; that is, that under this bank scale they did not get what they were entitled to; that they had no control whatever of their own property; it was sold, measured, and scaled by other people; the money was turned over to the agent, and the only thing they did was to go over and draw $10 a month, or such sums as the department was willing to give them; and we did not like that proposition. The objections, of course, were fresher in my mind then than they are now. There was a further objection; it was a proposition which came up in the discussion; it was that they were to establish a forestry reserve upon the reservation, which would include all our allotments, taking the allotments or the additional

allotments of a large number of people. I know it would have taken in my allotment.

Q. Was that to be a State or national forest reserve?—A. It was a national forestry reserve, similar to that at Leech Lake, and we thought at that time that it was simply a sort of inducement to Mr. Pinchot, who was wild over forestry reserves about that time, to help him out on this proposition, and we stated all those objections; and so we put all those things before Senator Clapp and he put them before the Secretary of the Interior, as I was informed afterwards, and the result was that the Secretary told him that no bids would be received, but they would permit the sale to go on just the same.

Q. Give me the names of all those who met with Senator Clapp at St. Paul on the occasion you refer to.—A. Well, I can only recall one man myself personally, that was Mr. Shevlin.

Q. Since deceased?—A. Yes. There were probably 8 or 10 persons in the room; somewhere along about 8 or 10.

Q. White Earth people?—A. Oh, no; lumbermen throughout the State.

Q. (By Mr. GEORGE.) Lumber-company men?—A. Lumber-company men; but I did not know anyone excepting Mr. Shevlin, I think, and Mr. Nichols.

Q. Then you were the only White Earth man present?—A. With Mr. Fairbanks.

Q. Well, you did not mention him until now.—A. Didn't I mention him?

Q. Well, perhaps I misunderstood you.—A. I said I could only recall Mr. Shevlin. Senator Clapp was there, and Mr. Stevens was there, and Mr. Peterson was there, and that was the first time I think I ever met Mr. Peterson, but I knew Mr. Shevlin and Senator Clapp. I am trying to explain myself. I don't want you to misunderstand me.

Q. Well, I can not tell what you say when you go off on these sidetracks. They don't make it any clearer. Now, of the White Earth people, you and Ben Fairbanks were the only ones?—A. Yes, sir.

Q. Were you both then in the employ of the Nichols-Chisolm Lumber Co.?—A. I don't think Mr. Fairbanks even knew Mr. Nichols at that time.

Q. He was not in his employ?—A. He was not in his employ.

Q. Were you?—A. Well, not directly. As I stated here before, I was employed by him as well as others in purchasing——

Q. What do you mean by indirect employment?—A. Well, they bought inherited lands.

Q. Tell me what you mean by indirect employment.—A. I was employed in this way: That whenever they had anything to look up they would send the matter to me, or anyone connected with the company, about inherited land matters. I was then with the Inherited Land Co., which included Mr. Angus, of Fergus Falls; Dr. McLain, and R. A. Chester, I think his name was.

Q. Well, I am not particular about that. Does a salary go with indirect employment in such cases?—A. I don't know.

Q. What were you getting?—A. I was getting from them $25 for each case that I looked after, at first, and then afterwards I don't

remember exactly when they commenced to pay me a salary; I can't state positively, but I think it was just prior to the act of 1906, or after that; I don't know.

Mr. GEORGE. Were you getting a salary at the time of this meeting?

The WITNESS. I can not say that I was. I am not sure as to that.

Mr. GEORGE. When did this $100 a month salary begin?

The WITNESS. That is what I am not sure about. I think it was after 1906, I am not sure.

Mr. GEORGE. But you were getting some money from them at the time you attended this meeting in St. Paul?

The WITNESS. I had been employed by them, looking after the matters I just stated, inherited lands; that is all.

Q. You stated in your replies before that while you were in the employ of the lumber company, you were also interested in the Indians, as a man who had Indian blood in him. Had you any interest in the Indians, any direct interest in them, other than your interest in your allotments?—A. Oh, I was called upon right along, the way I am now by them. I was always willing to help them.

Q. Well, now, did your employment by the Nichols-Chisolm Lumber Co. and your employment by the Indians conflict?—A. No, sir.

Q. Were you not serving "two masters"?—A. No; I was not.

Q. How do you explain that you were not?—A. No; because after I commenced working for the Nichols-Chisolm Lumber Co., I confined myself to the Nichols-Chisolm Lumber Co. exclusively.

Q. But you have told us heretofore of a great many instances where you called councils and where you were selected by councils to go to Washington and elsewhere and represent the Indian reservation interests at the same time that you were receiving a salary, and at times a liberal salary, from the company.—A. But that was not—the interests that I went down to see about were the violations of the treaties by the Government. It was not anything that affected the Indians as individuals. I went down to try to get some justice from the Government, from the departments, and from Congress, in behalf of the Indians.

Q. (By Mr. GEORGE.) In respect to treaties?—A. In respect to treaties; yes.

Q. If my recollection serves me right, your testimony heretofore will show that you had a direct personal interest in the reservation, apart from mere trips to Washington.—A. Apart from the tribal interests?

Q. Well, now, not apart from the tribal interests, except, of course, as you had your individual allotments. Well, now, what feature of the Wisconsin plan was it that you were so much afraid would be adopted at White Earth?—A. Well, my intention is to point that out by the records that I have in my possession here. I can not recall just what it is, but if you will permit me to do so, I shall read into the record some of the matters which I objected to.

Q. What was done or said in connection with this particular sale which compelled you to believe that the Wisconsin plan would be applied at White Earth? In other words, you speak of the manner of paying the Indians under the Wisconsin plan. Was there anything either said or written in connection with the White Earth sales which would make that feature a part of the White Earth

contract?—A. Yes; the developments showed that the plan was the same plan exactly that was being used at that time, and is since being used in Wisconsin among the Chippewas there, with regard to their timber.

Q. You say it is your purpose to put into the record printed documents and other information, making this point clear?—A. Yes, sir.

Q. Very well. We will take no more time with it now.

Examined by Mr. GEORGE:

Q. Are we to understand that you are going to introduce matter that will show the difference between the Wisconsin plan and what might be called the Minnesota plan?—A. The difference in the Wisconsin plan—which Minnesota plan do you mean?

Q. In contradistinction to the Wisconsin plan. You were opposed to the Wisconsin plan because it did not deal favorably with the Indians, as you said in your former testimony.—A. Yes.

Q. Now, then, there was some other plan that you wanted used?—A. Some other plan.

Q. You did not want the Wisconsin plan?—A. I did not want the Wisconsin plan.

Q. You wanted some other plan?—A. I wanted some other plan. I can not recall now what it was, but we did not want the Wisconsin plan.

Q. Well, will this matter that you were going to introduce make clear what you did want, as well as what you did not?—A. No; it will simply show why I objected to the Wisconsin plan. I can not recall now. My memory is poor, but my recollection is—I think we will find by other testimony what our object was. We did not want to deceive them at all.

Q. We want the information, of course.—A. We are perfectly willing to give you the information. But you see those are things we have forgotten. Our plan was to get control of our timber—our own allotments.

Mr. GRAHAM. Now, let me make the situation very clear to you as I see it, so that you may do it all the better.

The WITNESS. Just excuse me. I want to say this: That Mr. Fairbanks and I consulted last evening, and we intended to come and see you to-night. We were going to ask you if we could have a meeting and put up the whole thing, so you could direct us as to what we should do. You could probably tell us—you could reach the matter we are trying to get at.

Mr. GRAHAM. I shall be glad to help you in any way.

The WITNESS. But Mr. Fairbanks is going away to-night. He will be back to-morrow, and we want to meet you and explain the whole thing.

Mr. GRAHAM. I shall be very glad to meet you. Now, here is the situation as it occurs to me, and I hope you will clear it up. For, as you were in the employ of the Nichols-Chisolm Lumber Co. at that time, you were receiving money directly from that employment. That is, bids were made for the sale of the timber on certain of the White Earth Reservation lands. My recollection of the testimony, both of the schedule of the bids made on that occasion and the testimony of Mr. Winton and some others as to the nature of the bids, is

that the Herrick bid seemed to be very much the best bid for the White Earth Indians. And yet the testimony up to this time tends to show that you, who were then on the pay roll of the Nichols-Chisolm Lumber Co., opposed the acceptance of the Herrick bid, and I take it you were largely, if not mainly, instrumental in defeating it, so that it did not go into effect. Under those circumstances, when the testimony also shows that a great deal of this timber finally finds its way into the possession of the company for which you were working, it throws apparently a pretty heavy burden upon you to show that you then acted in good faith toward the reservation people. Now, we want you to meet that situation.

A. Well, yes; I will. At that time, as I stated here before, I was employed with a land company which was purchasing inherited lands, and I was not receiving any pay from Nichols any further than to attend to their inherited land sales. Whenever they put in a bid I would file it for them, and then look up the testimony to see who the heirs were, so that they could have that testimony to use before the probate courts—I believe the department issued an order to that effect. But I did not receive sufficient pay from the company to control me. I never got enough pay from any person, from any source, that would control me. If I had regularly received pay from any company, or from any source, I would have sold my manhood, and that is a thing that I have never been guilty of doing, and I believe that everybody in this part of the State will say that I am independent.

Mr. GRAHAM. But for the purpose of an investigation, a statement like that does not count for very much. If you could answer this whole matter by a mere conclusion it would be useless to go into it.

The WITNESS. Well, I am making that statement, because you asked me in that way, as you put your questions. I want to say this——

Mr. GGAHAM. Just there. Isn't my statement a fair résumé of the testimony now before the committee? It is not my conclusion. I am simply presenting to you what the evidence shows, or tends to show, that you may meet it.

The WITNESS. I know that that is the evidence that the Government is putting in——

Mr. GRAHAM. At this time——

The WITNESS. Yes; but now you are asking me questions along the line that I want to disprove. I want to introduce evidence to show that there was no motive on my part to serve the Nichols-Chisolm Lumber Co., and the Nichols-Chisolm Lumber Co. can not ever control me in any matter; that would give them the monopoly. I stated here before the committee that no matter if the Nichols-Chisolm Lumber Co.'s bids would have been accepted I would have opposed it—I would have opposed it just the same; but my recollection is now that we had no definite plan as to how we should sell our timber, excepting under the bill that Congressman Steenerson had introduced. He had introduced a bill, I think the winter previously, providing that each person could sell his land under the supervision of a commission. This commission was to be composed of three members—a missionary, the Indian agent, and some one to be selected by the Indians.

Mr. GEORGE. Didn't you say in your former testimony that this really came down to a fight between the Wisconsin lumbermen and the Minnesota lumbermen?

The WITNESS. Yes, sir.

Mr. GEORGE. That is to say, the Wisconsin lumber companies and the Minnesota lumber companies?

The WITNESS. It resolved itself into a fight between the Wisconsin men and the Minnesota men, but I also stated that we were perfectly willing to use the Minnesota men to defeat the plan; that we were perfectly willing to——

Mr. GEORGE. I hope, when you are presenting your case, you will show that the Minnesota men were really offering more for this timber than the Wisconsin men were, and I am expecting to find that you are going to answer the question according to my wishes, that in this Wisconsin plan there was something disadvantageous to the people of this State over the plan that you substituted, or had in mind, at that time.

The WITNESS. Well. I am at a great disadvantage, and you must admit that. I have not the records of the office to show everything. I am, as you might say, groping around. I don't know what the bids were. I was opposed to the plan in the first place; and I shall read into the record the result of an investigation of the Wisconsin plan, which will show, and which has been in existence for years; and prior to this investigation we knew what the Indians were undergoing over in Wisconsin, and that is what I want to read into the record. But as to the details, I can not remember them now. That was about seven years ago. I have never seen the bids.

Short recess.

Mr. Graham here handed to Mr. Beaulieu Burch's Exhibit 40, which was the schedule of bids.

Mr. BURCH. If it would be proper in this connection, I will say that we recently learned through a newspaper that Mr. Joseph Farr, the former superintendent of logging, had practically issued a challenge to the Government, or, as I will put it, to the other side—I don't know which—stating that if there was anything to be concealed about this particular transaction concerning which the committee are now examining Mr. Beaulieu, he might not be called; but that if it were the desire to have everything made plain, he would probably be subpœnaed. At the first opportunity we telegraphed that he would be needed, and sent a subpœna for him to appear at Minneapolis before this committee on Monday next and testify.

Mr. GRAHAM. It would seem that, if he is to appear on Monday, he would better come here. The committee wants to hear him and to hear anything or anyone who can rip this matter open and expose its very vitals. The committee wants the facts, whatever they are, no matter from whom they come.

Mr. BEAULIEU. I want to give you the names of some men whom I think would be able to throw some light on this thing, but I do not think I can have them brought here, because they are in Washington.

Mr. GRAHAM. Can we get them there?

Mr. BEAULIEU. You can get them there.

Mr. GRAHAM. We expect, you know, to continue these hearings in Washington. We expect to produce Mr. Moorhead for you there, and we expect also to call the departmental officers.

Mr. BEAULIEU. That would be what I would be very glad to have done.

Mr. GRAHAM. You shall be accommodated. Have you got the scheme of your report of the bids made, from Exhibit 40, which has been handed you?

Mr. BEAULIEU. Yes, sir.

Examined by Mr. GRAHAM:

Q. Mr. Beaulieu, I will ask you to read to the committee the bid of the Nichols-Chisolm Lumber Co. on the various kinds of timber.—A. The Nichols-Chisolm bid on white pine is $9.06.

Q. Now, what is the bid of Mr. Herrick on that kind of timber?—A. The Herrick bid was $11 for white pine.

Q. Your recollection was that there was only a dollar difference; there was almost two. What is the next?—A. Norway pine, $8.06, Nichols-Chisolm. The Herrick bid was $10 for Norway.

Q. A difference of $2 per thousand.—A. Yes; the jackpine is $6 per thousand for Nichols-Chisolm; Herrick, $5. The oak by Nichols-Chisolm is $8 per thousand; and Herrick, $8 also. The elm, Nichols-Chisolm, $15; and Herrick, $4. Basswood, Nichols-Chisolm, $10; Herrick, $4. Maple, Nichols-Chisolm, $15; Fred Herrick, $5. Ash, Nichols-Chisolm, $20; Herrick, $5. There is something I don't understand in her. Oh, I guess it is Herrick bid also: Spruce, $5; poplar, $2; tamarack, $2; balsam, $2; birch, $2. Nobody else seemed to bid on them.

Q. How much poplar was there on the reservation? I mean, was there any considerable quantity?—A. No; I don't think there was very much poplar. It had been destroyed by fire.

Q. Was there any considerable quantity of ash?—A. Yes; there was a great deal of ash.

Q. Do you know what it was fairly worth in the market as lumber at that time?—A. No; I really don't know as to the prices of any kind of timber.

Q. Did you ever hear of ash lumber selling as high as $20 a thousand in the boards?—A. Well, I don't know about the prices of any of the timber. I never heard the price.

Q. Do you think that the bid of $20 a thousand for ash was made in good faith?—A. Well, I could not say as to that, because I don't know anything about the ash; I don't know anything about the timber.

Q. If hardwood had a fixed value out there on the reservation, you would know it, wouldn't you?—A. Well, I don't know. I don't think I would. I only know this—that Mr. Henry Keller, of Sauk Center, when he was alive, wanted to buy ash, oak, and maple on the reservation, and he said he would pay good prices for any of that kind of timber.

Q. Well, that is not very enlightening. Was he alive at the time these bids were made?—A. I can not recall.

Q. He was not a bidder there?—A. He was not a bidder; no, sir.

Q. Well, now, is not it probably a fact that if oak, or bass, or maple, or ash, or spruce, or poplar, or birch, or any of those hard-

woods had a merchantable price there on the reservation, you—running the principal newspaper on the reservation, buying land on the reservation, and looking after the affairs of the Indians all over the reservation—would have known the price?—A. Well, I was not dealing in oak, but I knew they were getting good prices, even then.

Q. Well, will you mention some of the prices they got—apart from this bid?—A. I understand they were getting as high as $10 a thousand from a man at Ridgewood. I am trying to recall his name.

Q. For what kind of wood?—A. For hardwoods.

Q. Any?—A. Yes.

Q. Do you state it, Mr. Beaulieu, as your judgment, that hardwood, at any time up to the sale in question, was worth $10 per thousand on the land on the reservation?—A. I understood that manufactured hardwood was worth anywhere from $40 to $100; that is, where it was sawed into lumber or square timber.

Q. Don't you notice that that is not an answer to my question at all? I asked you about growing trees, and you tell me about manufactured lumber. You can see that there is no correspondence between the question and the answer.—A. Well, the reason I put it that way, I thought——

Q. No; I don't care for the reason. It is not an answer to my question.—A. The growing trees have no value at all until it is manufactured.

Q. Why, these pine trees had a value of $10 per thousand before they were manufactured.—A. So did the other timber, or they would not have bid that much on it.

Q. Now, Mr. Beaulieu, look at the sheet in your hand (Exhibit 40) with some care, while I propose a theory to you. I assume from the evidence before us that the great body of the timber, the timber which had real value on the reservation, was pine of different grades; that the hardwood was not material in quantity, and that some of the woods, such as ash, poplar, maple, had only negligible quantities on the reservation; that if the bidders bid excessive prices for that kind of timber of which there was very little and bid low prices on that kind of timber of which there was a great deal the result of the bids would be very misleading, and that, taking that view of it, the Herrick bid, giving $2 a thousand more for white pine and substantially $2 more for the Norway pine than the Nichols-Chisolm bid, but offering a great deal less for those trees of which there were but few, would figure out in the end to be a distinctly better bid than the Nichols-Chisolm bid, which cut down on those grades of which there was a great deal and which bid away up on those grades of which there was very little.—A. Now, the way you put the question, I would say, yes.

Q. Let us illustrate, as the thought comes to my mind. Suppose some one brought to the reservation a thousand horses and five mules and they were put up for sale on bids and somebody bid $50 apiece for the horses and $500 apiece for the mules. At a casual glance it would seem as if that was a better bid than the bid of a man who offered $100 apiece for the horses and $50 for the mules.—A. Yes; it would, the way you put it, in that way. But, you see, there were a thousand horses and only a few mules. But, supposing there were

a thousand mules and only a few horses. That would make a difference.

Q. Exactly; we quite agree. Now, then, a I understand it, making the application here, there were a thousand horses, and only 5 or 10 mules on the reservation—in the way of timber. That is, there was a vast amount of pine—that representing the horses—and an insignificant amount of hardwood—that corresponding to the mules. Now, if the Herrick bid was not the best bid made as shown by the sheet you have in your hand, Exhibit 40, I want you to explain to the committee why it was not, in view of what I have stated.—A. Well, so far as the pine timber was concerned, the Herrick bid was the best; but, so far as the hardwood was concerned, everyone on the reservation, who has had any experience, will tell you——

Q. No, you are the only one I care about. Stick to your knitting.—A. From all I have seen of the timber, the amount of hardwood timber there, I would say the Nichols-Chisolm bid was the best bid.

Q. On the whole?—A. Taking the whole reservation.

Q. Then, as an employee of the company, you were hardly faithful to it, in trying to defeat its bid, and preventing it from getting what it had bid for?—A. I was not then a regular employee of the company. But even if I had been, I never would have consented to any such proposition going through.

Q. Ultimately, do you think the timber on the reservation brought a better price than the bid known as the Herrick bid?—A. Yes, sir; I do.

Q. Well, I would like, during the course of the hearing to have you make that clearer to us.—A. That is what I am going to try to do by these records that I am going to introduce.

Q. Is there any way yet by which we can ascertain the proportion of pine to the other woods?—A. Well, there has been a great deal of it manufactured, and still being manufactured. I don't know how many mills there are on the reservation, that is, hardwood timber mills—those mills that are confining themselves exclusively to the manufacture of hardwood.

Q. By "manufacture" you mean sawing it into boards, and perhaps planing the boards?—A. Yes, sir.

Q. That is all the manufacturing they do on the reservation?—A. I believe they also manufacture, for the purpose, as I understood it, to fill contracts with the railroad companies, furnishing bridge timber.

Q. What use is made of it after it is manufactured on the reservation?—A. I understand that they have contracts with the railroad companies to furnish bridge timber and other timber; that is for building railroads.

Q. How do they get it to the railroads?—A. They haul it.

Q. There is no other way?—A. There is no other way; no, sir.

Q. That is very expensive.—A. They haul it after it is manufactured into lumber, and it is expensive.

Q. Does not that enter into it, largely—into the value of it as growing trees—the fact that, the pine being lighter can be floated to the mill or railroad, whereas the hardwood has to be hauled by wagon?—A. I presume so; yes.

Q. And does it not help to make almost—indeed, quite—ridiculous the bid of $20 for ash as against $8 for Norway pine? Do you think ash is two and a half times as valuable, growing in the field, as Norway pine? Now, taking into consideration that it is vastly more expensive to get the ash to the railroad than it is to get the pine there?—A. Well, now, you are asking for an opinion of a man who is anything but an expert and does not know even what the ordinary prices of timber are.

Q. Well, I ask you, Mr. Beaulieu, because you are well informed on those matters, and, really, it does not take an expert to understand the point I am presenting to you. It seems to me that a child of 10—some of these school children who have honored us by their presence to-day—could easily see that, when it costs so much to haul the hardwood to the railroad a long distance, whereas the pine can be sent there practically without cost, floating downstream; that the value would differ very widely and in favor of the pine.—A. No; I don't think so. I don't think so, because it has cost almost as much to ship—float lumber downstream—as it does to haul the timber to the railroads for this reason: The lumber companies have to build railroads to haul it to the lakes from the woods—different parts of the woods—and they have also to drive that down the stream for miles and miles, a distance of probably a hundred miles or so by stream.

Q. How is it driven?—A. Down the Otter Tail River.

Q. Yes; but how? By steam tugs, or how?—A. They probably employ 200 or 300 men to drive the logs.

Q. That is, they let them float down the stream?—A. They go through lakes; they have to tow them with tugs.

Q. That is what I asked you.—A. In the first place they draw them from the woods by railroad trains down to the lake and then from the lake they tow them across—there is a chain of lakes that they tow them across; they have two or three tugs I think, and from Round Lake down they drive them down to the men that make the jams.

Q. I don't care to pursue the matter further, but I want to call attention to the fact that all the experts who have testified disagree with you, both on the question of the value of the pine, as compared with the hardwood, and as to the cost of getting these two kinds of timber to the railroads.—A. Well, I do not doubt that they are right, for I am anything but an expert.

Q. Now, let us pass to another point. You spoke last night of a power of attorney which you had when you went to Washington. For what purpose did you go then?—A. I urged the passage of a bill to permit allottees to sell their timber under the plan that I suggested here——

Q. To whom was this power of attorney addressed, if it was addressed to anyone?—A. Well, my understanding was that it was addressed to several of us—two or three of us—I don't remember who now.

Q. To whom did you present it?—A. I think Mr. Carl was included——

Q. You do not understand. I do not ask to whom it was given, but the use which you made of it. Whom did you show it to?—A.

Oh, we just went right down to Washington and pushed these matters; just simply put them before the committee.

Q. What use did you make of the power of attorney?—A. I don't know as we made any use of it.

Q. Where is it?—A. I could not state as to that, either.

Q. Who signed it?—A. Well, I think somewhere in the neighborhood of 100 persons. I do not know whether it was one power of attorney, or whether it was each one separate. My recollection is that it was one power of attorney.

Q. I know; but who made it? Was it individual or tribal?—A. No; they were individuals.

Q. And what did it authorize you to do for those persons?—A. To go down and get a bill passed which would permit them to alienate their allotments.

Q. It was not the result of a council?—A. No, sir. Well, I don't know. I can not recall just now whether we had any councils over it or not.

Mr. GEORGE. Full bloods or mixed bloods?

The WITNESS. I don't recall.

Mr. GEORGE. How many mixed bloods do you think there are on the reservation?

The WITNESS. I should judge somewhere in the neighborhood of 5,000. They are not all mixed bloods.

Mr. GEORGE. But you had powers of attorney for 100, not 500?

The WITNESS. I think 100 or 150; I mean mean, women, and children, 5,000.

Q. But you don't know what has become of it?—A. I do not. I think Mr. Carl could tell you something about it. In fact, as I understood it, the power of attorney also stated what the amount of compensation was to be that they were to pay us for pushing through this bill; but we never got any compensation. After the bill was pushed through we tried to collect it from them, but they didn't pay anything. I think one or two paid something.

Q. That is, you tried to collect from those who signed the power of attorney?—A. It was a power of attorney and a contract combined.

Q. Oh, a combination.—A. A combination.

Q. Well, you never made any use of it, did you?—A. No; we simply had it, I think——

Q. Well, now, at Washington, before the committee, or wherever you appeared in that connection, I suppose you assumed to represent the White Earth Indians?—A. Oh, no; not particularly the Indians. I did not assume to represent the Indians. I simply——

Q. You were there to expedite, to secure the passage of a law?—A. Yes.

Q. That law would apply to the whole reservation?—A. That law would apply to the whole reservation.

Q. So that, in trying to secure the passage of a law, you were acting for the entire reservation?—A. I presume the entire reservation would have been benefited.

Q. I ask you that. The question was, if you were acting for the entire reservation?—A. I presume so; yes.

Q. Oh, you know you were, to secure——

A. At that time I did not assume any right to act for the whole reservation.

Q. Did you appear before any committee?—A. Well, now, I don't want to say that I appeared before a committee. I went to see some Members of Congress from this State.

Q. Was that all that you did?—A. I don't remember that I appeared before the committee. I can't recall that.

Q. Then, what you did you did through certain of the congressional delegation from Minnesota?—A. Yes, sir.

Q. Well, you needed no power of attorney for that?—A. No; of course not. They never asked me for one.

Q. So that, in fact, your power of attorney amounted to very little?—A. Very little, so far as they were concerned.

Q. And such as it was, you never made any use of it?—A. I think not. I think I applied to them the same as any constituent would apply to his Congressman.

Q. Why, then, did you bother with the power of attorney?—A. Well, we took the power of attorney in case we might need it. You know we always do take some kind of authority with us in case our right to represent a certain thing might be questioned.

Q. My only purpose in inquiring into it is to find out whether you thought you were there representing individuals or the entire reservation, and I understand you not to say clearly that you represented only the individuals, and about a hundred of them.—A. Yes; I presume——

Q. And that they agreed to pay you something and then forgot to do it?—A. They agreed to pay us, but they did not.

Q. Could you get the power of attorney for us?—A. Well, if I could have gotten it three or four days ago I would have tried to make these men pay that sent us. I do not know who has it. I understand it was given to Mr. Birket. That was the last I heard of it.

Q. Well, could you get it now?—A. I will try to get it.

Q. Well, one of the things that the investigation discloses, so far as we have gone, it seems to me, and to need prompt and radical attention, is to provide a reasonable method of getting the expression of the people of White Earth. In other words, for holding a real council. It seems to me, and I call your attention to it now, that you may have your inning on that point. It seems to me that the evidence does not disclose a single instance where anybody left the reservation to go to Washington with anything approaching proper authority, and that these councils of which we have heard were not, in any proper sense, councils. In a township meeting, anywhere in the United States, the law provides for a publication of notice. The publication of notice is an essential ingredient in every public meeting. There can be no election, there can be no public action taken that is valid, unless there is proper notice given of it, and that notice should not be according to the whim of any one or two or three, or any other number of people. It should be a fixed system, providing for a certain number of days' notice, to be given in a certain way. Now, if I am wrong in this, I want you to explain, as you go along with your case, about it.—A. Yes. I am going to produce evidence particularly upon that point; that is, with regard to

the custom of the Indians in calling councils, what is done at these councils, and also that the Indians hold the exclusive right of calling the councils; that that is only when they want to have certain matters presented to the department; that they call upon the Indian agent merely to authenticate the proceedings, so as to satisfy the department or the Indian Office at Washington that the council was properly called. Outside of that, we deny the right of anyone to say how our councils shall be called. We call them according to our tribal customs.

Q. What does "we" mean, as you use it there?—A. I mean the Indians.

Q. But no such councils have been called, so far as the evidence here shows.—A. That is your side of it, or, rather, the side of the Government.

Q. You have been asked as to these councils, and you have not explained anything that approaches a proper notice.—A. I stated to you that we have given notices in writing.

Q. To those who could not read.—A. And by messengers and by publication in the Tomahawk.

Q. To those who did not take it.—A. Well, it made no difference. It is the notice that is generally given, just as well as we could possibly give it.

Q. A custom is something that has prevailed in the same form for a very long time. If there were a day fixed for the holding of a council on the reservation, and it had been maintained on that day so long that the Indians on the reservation knew that, as, for instance, your annual picnic, or whatever you call it, and if it were well understood that there was to be a council during that association, or assemblage, or meeting, that at 12 o'clock sharp on the second day, at a certain place, those who had a right to sit in council would convene for the purpose of transacting tribal business, then you would have a basis for a real council. But, as the evidence up to this time shows that during a picnic, without proper notice at any particular time or of any particular date, a few persons say, "Let's have a council now," and they drum up a few others and go off, while the others are enjoying themselves, have a meeting, and transact public business—surely that is not a council.—A. The Indians, when they call a meeting of a council, they are not so technical as a white man, and they do not usually take advantage of any technicality, the way the whites do.

Q. But see the abuses that follow the course you suggest.—A. The Indians usually call a council, and they follow what the majority want to have done.

Q. Before you ascertain what the majority wants done, you must have a majority there, or at least give them an opportunity to be there. Notice is the first requisition.—A. Among the Chippewas it has always been the custom, as far back as I can remember, as long as the principal men are there of each community and they are properly authorized by their people—and, as I say, they do not take authorization by letters or by paper, because they can not read or write, but they just tell them at a meeting, or even talk informally, and tell them just what they want. Each man has a perfect right to get up and express what he thinks. Those men will go to a council wherever it is called and there express the views of their people.

Mr. GEORGE. Is not that a government by adjuncta?

The WITNESS. Well, I don't know whether you would call it that. You can not expect that the Indians would have as good a government as the whites. They could not go to work and have an organization that would be——

Mr. GEORGE. It is a government by a very small number of men, whereas the word "council" indicates an assembly of the nation or the tribe or the community of Indians?

The WITNESS. If you want to put it in that way, it is quite possible; but that is the very reason that the United States has got hold of the country—just from a few people, from the chiefs. They have never called the nation together and made a treaty; but they called the chiefs, the headmen of the tribe, to represent them.

Q. Well, the relations between the Government and the Indians are not really treaties, you know.—A. Well, they were until the recent act.

Q. Oh, they never were. They were not treaties. In fact, treaties are made between nations; and the United States never recognized the Indians as a nation or nations. They are rather in the nature of contracts between a ward and his guardian.—A. Well, that is only a recent decision of the courts. But prior to the time—I recall the time when they recognized the Indians as a separate nation.

Q. Oh, no; not in the sense of a British, or Mexican, or foreign nation.—A. Well, but as an independent nation.

Q. Well, let us pass that. You stated last night, in connection with the difficulties that arose between yourselves and what you call the Burch corps, that you were engaged in getting contracts for timber, and that you were interfered with in your work by persons in the employ of the Indian Bureau. Do you recall that?—A. That I stated it in that way?

Q. Well, not in those words, at least; but do you recall the point about which I speak?—A. Well, I don't want to be understood in that way at all.

Q. Well, you did state that in the work you were then doing you were taking contracts for the sale of the timber only; that is, not the land, only the trees?—A. The sale of the timber; yes, sir.

Q. Whom were you then working for?—A. I was then working for the Nichols-Chisolm Lumber Co.

Q. And what class of land were you then engaged in buying the trees from?—A. Timberlands.

Q. Pine timber, mostly?—A. Pine timber exclusively. I was not buying hardwood.

Q. You would have to, though, to get the pine sometimes, would you not? Because there was hardwood on the land.—A. No; the timber deeds called for the pine land.

Q. In the contract you made with them, did you limit the purchases to the pine?—A. To the pine alone? Yes, sir.

Q. Do you know anything about the fact testified to—that although that company bought only the pine, as a matter of fact it took much of the hardwood also?—A. I did not know that.

Q. You have no knowledge about it?—A. No.

Q. Well, now, you spoke at some length about interference with your work by some of the employees of the Government. Do you recall that?—A. Interferences with my work?

Q. With your work; yes. After Mr. Linnen and his associate came on the ground, did they in any way interfere with the work you were doing then?—A. Well, I don't want to answer that "yes" or "no," in the way you put it to me, because they were not interfering with my work.

Q. What was it that caused you to attack what you called the Burch crowd?—A. It was because they came up here, and, instead of pushing through the work and getting through, the way they should have done it, they delayed matters; they went along and, as I have every reason to believe, they had a whole lot of evidence which would enable them to put through almost all if not all of those cases that they started; but they filed only a certain number of them every month; they would file a certain number of cases, lis pendens, after they had them all ready and could have filed them all together and expedite the matters by putting them into the courts. That is what I say.

Q. How many a month did they file?—A. Well, I understood—I was informed that they were stringing them along.

Q. You state you have every reason to believe that they were stringing them along. Of course, that may be quite convincing to you, but it sheds no light for us. What are the reasons for that belief? Then we can judge whether they were good or not for ourselves.—A. Well, of course, I was told that they were filing only a certain number every month with the register of deeds, a certain number of cases every month, when they had the evidence before them, in the shape of this Linnen and Moorhead report, which would have enabled them to file them immediately, because they had unquestionably used a large number of these reports, these affidavits, and they could have taken all the reports and filed the lis pendens, filed the cases, instead of stringing them along at the rate of 50 or 100 a month.

Q. You made the charge, in your testimony at Minneapolis, that it was your opinion that they were doing that for the purpose of "prolonging their jobs."—A. Yes, sir.

Q. Well, you reiterate that now?—A. Yes, sir; I believe that was their purpose.

Q. Let us hear about that. What was the extent of their working force? If that be true, we want to know it, although they do not come within the purview of our investigation, except as they have submitted themselves to it.—A. Well, I can not say as to the number of persons they had—anywhere from half a dozen to, maybe, eight or ten.

Q. Of those, how many were lawyers?—A. I believe Mr. Burch was one of the lawyers.

Q. Mr. O'Brien?—A. Mr. O'Brien was not there. Mr. Long is supposed to be a lawyer, at least he claims to be, I understood. Mr. Hinton was a lawyer, he testified he was a lawyer, I don't know. Mr. Cain is a lawyer, and Mr. Burch's nephew, Mr. Seekell, is a lawyer.

Mr. BURCH. You have not mentioned Mr. Norton.

A. Oh, Norton, he is a lawyer, I believe, and Mr.—there is Mr. Harper, he is a detective. And Miss Maggie Warren is the stenographer, and Mrs. Long was a clerk at the office. I don't know what position. I understood that Mr. Burch's boy was there, employed in

the office for a time, and there were a couple of other ladies, I don't know who they were—two or three.

Q. What I want to get at—from your statement, they filed a little more than one bill a day. The bills were entirely separate, were they not, each covering a particular tract of land?—A. Yes, I understood so.

Q. And the testimony tends to show, I think does show, that the theory on which those bills were filed was that the conveyances made by minors or by fullbloods were void, but that deeds, or pretended deeds, made by them were of record and the abstracts showed them as standing against a particular tract of land, thereby constituting a cloud or a blemish on the title to that land?—A. Yes, sir.

Q. And the bills were filed for the purpose of removing that blemish or cloud from the title.—A. Yes; they were filed to remove the blemish. And we claim further that they had not only not confined themselves to attacking the conveyances made by Indians or mixed bloods, but had gone further, and attacked the conveyances which had been approved by the Commissioner of Indian Affairs, and also against those who had had fee patents issued.

Q. Well, that raises a question that we do not propose to settle now, although I can conceive of cases where the Secretary, for instance, had been misled, a fraud perpetrated upon him, and that such action might be taken. That, however, is not the thought in my mind. The point I want to get at is this: In preparing a bill in chancery, in a complicated matter of this sort, do you think that a day is too long a time in which to get it ready to file, and don't you think that filing 30 a month is fairly expeditious?—A. I think that—of course, I was merely a clerk, you might say an interpreter in the district attorney's office—but I believe we could file a great many more a day. I could have done so alone, I believe, if I had had all the information before me which had been furnished by Mr. Linnen and Moorhead.

Q. Well, was it all before them at a particular time? Was it not being developed from time to time, and didn't they have to wait for the information? Is it not true that if the bills were imperfect when filed they would be demurred to and the person filing them would be laughed at for his incompetence; and was it not wise for them to make the bills perfect in the first instance—to go slow and be right?—A. You are puting up a question to me that I would hardly be competent to judge.

Q. Well, you would not be competent to criticize, either, then. If you are not competent to judge why do you criticize? I want to get the reasons why you make these charges.—A. I criticized because the information came to me through persons who were competent to judge.

Mr. BURCH. I would like to know the names of the persons.

Mr. GRAHAM. I do not know that I care for that.

The WITNESS. We will get that in the evidence, Mr. Burch.

Q. You stated that you made the charges against the Burch crowd. Where were those charges made?—A. I filed charges—that is, the delegation that I was around with filed charges to the department, through Senator Clapp, charging that cases had been commenced where fee patents had been issued by the department, and even where

the deeds had been approved by the Interior Department. I charged that last winter.

Q. Was that in writing?—A. Yes, sir.

Q. Have you copies of those charges?—A. They must be on file in the department. No; I have no copies of them, but I referred to them—I published the reply in my paper.

Q. Of the Secretary of the Interior?—A. Of Mr. Long to the Secretary of the Interior in answer to these charges.

Q. Who was the Secretary of the Interior at that time?—A. Not the Secretary of the Interior, but the Attorney General.

Q. Well, we do not care to follow the matter into his office. We have nothing to do with his office. The charges were filed, I understand, with the Department of Justice, in the Attorney General's office?—A. Yes.

Q. Well, we would only care to see them as merely incidental.—A. Well, I can introduce a copy of them, and of Mr. Long's letter.

Mr. GRAHAM. Mr. Beaulieu, there are a number of other things I would like to ask you about, but as you have intimated you expect to deal with most of them I think it is only fair to you that we postpone that until you are presenting the matter yourself, and we can then inquire further.

Mr. BEAULIEU. Well, I would like to have an opportunity to present all the maters on our side of the question, without giving it away now.

Mr. GRAHAM. I think it is only fair that you should have that chance. Is there anyone here who would like to question Mr. Beaulieu further?

Mr. DENNIS. I think possibly, Mr. Graham, that Mr. Beaulieu can explain the cost of the delivery of the hard wood and the pine a little better to satisfy your mind as to the difference in transporting it to market.

Mr. GRAHAM. Well, my purpose in mentioning it when I did, Mr. Dennis, was to practically put him on notice. I did not want to break into the presentation of his side in his own way, but I did want him to see clearly some of the difficulties that were in my mind, and, I think, in the mind of my associate, on those points.

Mr. DENNIS. I think I can show you right now that it costs as much to get pine to the market, which is worth $20 a 1,000, as to get hardwood into market when it is worth anywhere from $60 to $100 a 1,000 when it gets to market. That is my object.

Mr. GRAHAM. Do you wish to go into that at this time?

Mr. BEAULIEU. No, sir; because, as I stated before, I do not know; I can not tell what it is. I only know how they do it, that is all.

Mr. GEORGE. You mean that because the selling price is about the same that the ratio is the same?

Mr. DENNIS. The ratio of the labor in getting the pine and the hardwood to the railroad is about the same, or there is not a great difference, not in proportion to the value after you get it there.

Mr. GEORGE. While it costs more for the hardwood, the price is higher for the hardwood?

Mr. DENNIS. Yes; it would possibly explain the bids that the lumber companies put in, although I am not familiar with these bid propositions at all.

Mr. BURCH. Well, have been more or less familiar, all my life, with the lumber business, and I should not dare to hazard such assertions as my friend Mr. Dennis does before this committee. I hardly see how he can.

Mr. DENNIS. Well, in this pine up here they cut it and load it onto sleighs and carry it to a railroad.

Mr. GRAHAM. I suppose this will come up frequently, and I am going to ask you, if you have a further statement to make, to put it into the record in a formal way. What you are doing now is really testifying, and you have not yet qualified as an expert, and neither have you been sworn.

Mr. GEORGE. Yes; he was sworn.

Mr. DENNIS. I just thought I would explain it to you in may way, but some other witness can be sworn to testify and I won't attempt to.

Mr. GRAHAM. We are not opposed to this going into the record, and if you think now is the time, we have no objection to its going in.

Mr. DENNIS. I will submit it to the committee, and if they desire to call witnesses to prove these things there are plenty of experts.

Mr. GRAHAM. We want to know. Now, Mr. Beaulieu, it is up to you. You have the floor now. However, it is almost 12 o'clock, and hardly worth beginning a new witness at this time. So we will take the noon hour now.

AFTERNOON SESSION.

CLAYTON C. COOPER, sworn by chairman, testified as follows:

Examined by Mr. GRAHAM:

Q. Give us your full name.—A. Clayton C. Cooper.

Q. Where do you live, Mr. Cooper?—A. I live at Mahnomen.

Q. How long have you lived there?—A. I have lived there four years the coming spring, in April.

Q. You are quite a young man; how old?—A. Twenty-five years old.

Q. Where did you live before you went to Mahnomen?—A. My home was at Durand, Minn.—southwestern Minnesota.

Q. How far from the White Earth country?—A. By the way of Minneapolis it is about 450 miles.

Q. It is to the south and west, probably, of Minneapolis?—A. Yes.

Q. Were you in any business or occupation before you went to Mahnomen?—A. No. I attended the State University and I was staying at home prior to that, attending high school.

Q. And since you have been in Mahnomen what has your business been?—A. I have been practicing law.

Q. Are you alone or associated with somebody else?—A. I am alone.

Examined by Mr. BURCH:

Q. Mr. Cooper, you are Secretary of the Mahnomen Commercial Club?—A. Yes, sir.

Q. How long have you been?—A. Something over two years. A little over two years, as I remember it.

Q. How large an organization is that—the membership?—A. The membership is not very large; as I remember it it is possibly between 30 and 40. About 40 members, I presume.

Q. You have been interested in the matter under investigation by the committee here, namely, what is called the White Earth Indian trouble?—A. Yes, sir.

Q. As a citizen of the land involved in the White Earth Indian Reservation and its progress you have kept track of most matters that you regarded as important to the development of the country?—A. Yes, sir; since I have been on the ground.

Q. Now, do you recall the time when the investigation of the White Earth matters was begun by Edward B. Linnen and Warren K. Moorhead?—A. I do.

Q. You had dealt some in Indian lands yourself up to that time?—A. Yes, sir.

Q. After they had gone away, and particularly, we will say, to the early winter of 1909-10—that is, late in the year 1909—since that time you knew of the presence of people here supplementing their investigations by action upon the part of the Department of Justice, the Indian Bureau, and the department?—A. Yes, sir.

Q. How early did you learn of the presence of such a party at White Earth Agency?—A. Well, I didn't understand that this party was at the White Earth Agency. What I refer to is the Department of Justice located here at Detroit.

Q. You didn't know, then, that the advance guard of that party spent the winter, or nearly all winter, at the White Earth Agency at work? In other words, you didn't know that Mr. Long and Mr. Seekel, Mr. Harper, and another person were there at work during the winter?—A. Well, I knew, of course, that they were connected with the agency, that they got information from the agency, but I didn't understand that they were making headquarters there; and, as I understood it, they came direct to Detroit. That was my impression, as I remember.

Q. You don't know that they roomed in a vacant schoolroom in the Indian school and spent the winter chiefly at the agency?—A. No: I didn't know that the Department of Justice put in any time in that way.

Q. The first you knew of that, then, was when the office was opened at Detroit here?—A. That is my recollection. My impression was that they at all times made headquarters here at Detroit. Of course I knew they visited back and forth at the agency and got information there.

Q. Such is not the fact, but that is not material if you don't know. Now, Mr. Cooper, did the commercial club and the citizens of Mahnomen take any interest in their action, in their work? Was it the subject of discussion in the club and among the people at Mahnomen?—A. Yes; it was the subject of general discussion.

Q. Was it talked frequently? That is, was it taken under consideration by the commercial club as a body?—A. No; I don't know that; no, that was not taken under consideration officially by the club, but the results, I may say the general conditions, were taken into consideration by the club.

Q. Now, did you act for the club in any manner, in criticism or opposition, to that work acting for the club?—A. No; I couldn't say——

Q. Well, did you personally?—A. Why, in some instances.

Q. Later on, was the movement inaugurated among the citizens of Mahnomen and the Commercial Club of Mahnomen, in conjunction with the other commercial clubs, to attempt to have this force withdrawn or discredited?—A. No, sir.

Q. Were complaints formulated against this Government party?—A. At what time?

Q. Well, I will say as early as the summer of 1910?—A. Why, no. There were no official complaints formulated. Of course, a person in that community would hear many complaints about general conditions, but most anybody in the community would know, of course, it was a matter of general discussion.

Q. Was this previous to the filing of any bills in equity, or subsequent?—A. Well, of course, there could not have been any complaints formulated against the committee prior to their time here, and, as I understand it, soon after they got here they started filing the suits. So, of course, it must have been subsequent.

Q. Do you know when they did commence filing suits?—A. No; I don't know.

Q. To refresh your recollection, if I can: Don't you remember it was along about the month of July that the first bills were filed, in 1910?—A. Well, that may be.

Q. Well, did that create considerable excitement on the reservation and in the town?—A. Yes, indeed.

Q. Well, were measures taken almost immediately upon the filing of these bills and notices of lis pendens auxiliary thereto, in the offices of the register of deeds, to make opposition to this action?—A. Now, I can not say in particular to make opposition to the action. Steps were taken to try to relieve our present conditions in some way.

Q. In what way?—A. Well, to attempt to have the matter adjusted in a way that would relieve the condition.

Q. Well, what was thought to be done, or proposed? What was done?—A. Well, several matters were talked over.

Q. What were they?—A. Well, we were desirous, of course, of getting some legislation which would relieve conditions.

Q. That was your privilege. But was any action taken by anybody toward discrediting the officials of the Departments of Justice and Interior engaged with this force, and having them withdrawn—in the interests of having them taken out of the country?—A. No, sir.

Q. And the filing of bills to stop them?—A. At that time?

Q. Yes.—A. No, sir; no, sir.

Q. Well, when was it first attempted?—A. Well, later on, of course, after the conditions had become what we called deplorable on the reservation from a business standpoint, these matters were taken up; but I didn't know of any move which was taken to have the officials withdrawn—by the commercial club.

Q. Was there any action taken to have the officials discredited—those who were engaged?—A. Not by the commercial club.

Q. Well, what was done by individuals? Did you do anything yourself?—A. No, sir; I did not.

Q. Do you know anybody who did?—A. Why, no; I can not say that I do, except in a general way. That is, they were criticized by many.

Q. Were telegrams sent to Washington by you and by others?—A. Yes, sir; by myself as secretary, at different times, criticizing the conditions.

Q. Criticizing persons—the personnel of the force?—A. Why, I can not say. I don't remember of sending any telegram in behalf of the commercial club criticizing anybody in particular. It was the general conditions that we dwelt on, as I remember.

Q. Well, now, at any time, for all purposes—I don't want to criticize you in doing that; I want to find out the facts. At any time subsequent to that do you know of a concerted movement to have the whole force withdrawn?—A. No; I don't.

Q. You had no part in anything of that kind?—A. No, sir.

Q. I don't mean by directly asking their recall, but by having the matter investigated here by a committee of Congress, or a subcommittee of a committee of Congress?—A. Oh, indeed, I certainly am aware of that. That I am certainly aware of.

Q. Did you assist in that?—A. Yes, sir.

Q. Did the commercial club?—A. Yes, sir.

Q. Did they, in connection or in concert with anybody else, do that?—A. Yes; the different commercial clubs of the vicinity took part in that sort of an associated——

Q. What was done? Did they call for a committee of Congress for an investigation?—A. That is what we wanted; yes, sir.

Q. Was a part of that to be an investigation of the department force here?—A. I don't know as that part was mentioned in particular. We wanted a committee of Congress to come up here and investigate conditions generally—to be on the ground and become familiar with the conditions here and see for themselves.

Q. Now, was it any particular committee?—A. Why, yes; it was.

Q. What committee?—A. The first movement that was taken we wanted a committee—we thought that a proper committee would be a committee from the Committee on Indian Affairs; that is, a subcommittee from the Committee on Indian Affairs.

Q. Was any movement taken as to the personnel of that committee—who it should be, the personnel of the subcommittee?—A. No, sir; we had nothing to do with that part of it.

Q. Did you have an arrangement, a plan of action, in connection with anybody else, by common understanding, as to what you would present to that committee when it did come here?—A. No, sir; we had not decided on that. We thought the first thing was to get the committee here.

Q. Well, did you ever decide upon it before this committee came here?—A. No, sir.

Q. You never attempted to decide what was to be done to this force? I am speaking now all the while as to those at work here.—A. No, sir.

Q. Have you ever made any statements to the contrary?—A. I don't think so.

Q. What was going to be shown to this committee when they got here?—A. We wanted them to come here and investigate conditions generally. We wanted them to see for themselves the condition that this country was put into, that this land had passed into the hands of white people, of settlers here, and that business conditions generally were very depressed and there seemed to be no end to the

trouble people were getting into here. We thought there must be some solution that would meet this trouble and clear up this business without so much delay, and we thought that a committee coming up here on the ground and investigating conditions here would see these things for themselves and be able to recommend something which would clean up the whole situation.

Q. But the point that I am getting at is, in what manner you were to aid them, I mean the committee, in seeing what was going on here?—A. There was no plan made at all in that respect.

Q. It was not your purpose, then, to show that the action of the officers of the two departments, in filing these bills and in whatever they had done, was to be shown to this committee?—A. That would be part. We considered, of course, that if we got a committee here, that would be a part of their investigation; that they would see that for themselves.

Q. That is all right; that is a sufficient answer. Now, I want to know if you had knowledge of the proposition on the part of some of these people so active in apparent concert as to the showing to be made to this committee, that matters of a criminal character were to be alleged against certain members of this force?—A. I had no knowledge of and took no part in any such proposition as that.

Q. You had no knowledge of it? I am willing to accept that statement and I believe it, that you had no part in it yourself. But I want to know if that was not a matter of common understanding and talk?—A. No, sir. I never heard of any proposition of that kind being brought up, that if we got a committee of Congress up here that there was to be any criminal charges or anything of that kind preferred. So far as I know, there was nothing of that kind.

Q. Have you read the newspapers here and never heard anything about that? Have you read a paper called the "Tomahawk"?—A. Yes; indeed I have.

Q. Have you read the Mahnomen papers and the other papers?—A. Yes, sir.

Q. And you have never seen it stated in them that there was a movement on foot to show criminal conduct on the part of certain members of that force?—A. I have read a great many statements of criminal charges, criminal accusations, different people, probably connected with that force, but I know of no movement, and have heard of nothing as I remember, presenting any criminal accusations to a subcommittee of Congress against any member of that force or any force.

Q. You certainly are willing to testify that you and the commercial club, so far as you know, had no intention of doing anything of that kind?—A. Indeed not. Positively no.

Mr. GRAHAM. I want to know to which he says no. There are two propositions, and they are adverse in their nature.

Q. I will ask you, so far as you know, the commercial club had no such intention, or if they had, they expressed no such intention, so far as you know?—A. So far as I know, they had not.

Q. And as to yourself, you had no such intention?—A. No, sir.

Q. Now, I ask you if you did not understand and so state that that part of the matter was to be left to Mr. Beaulieu to furnish accusations?—A. No, sir; I had no such understanding and knew nothing of the kind.

Q. And you never so stated?—A. No, sir.

Q. You feel positive about that?—A. I am certain of it.

Q. Did you not use the term "hip"—do you know of such a term as that—did you ever state to anybody that Mr. Beaulieu was "hip" to all the doings of this committee and could furnish or would furnish "the goods," as it was termed, on the criminal accusations?—A. I don't think so. No, sir; I don't remember of anything of the kind.

Q. Do you know so? Do you mean to have it understood positively that you never made such a statement?—A. I don't remember of ever making any such statement.

Q. But you said you did not——A. I said I did not remember of ever making any such statement.

Q. Will you say that you did not?—A. I have furnished you all the information that I can in that respect. I don't remember of ever making any such statement, I said.

Q. Do you say that there was no such idea as that in your mind?—A. There was no such idea as that in my mind; no knowledge at the time; no, sir.

Q. Well, then, that is all I have to ask of this witness.

Examined by Mr. GEORGE:

Q. What did you expect this congressional committee to do—this prospective congressional committee to do—when they got up here?—A. We expected them—we wanted them to investigate conditions generally. We wanted them to see the condition of the country, see the amount of land that was laying idle here on the reservation owned by white people, and see for themselves the condition of affairs. That is, that things were in such shape that people were afraid to buy the property; and if they owned the property, they were afraid to build on it on account of general conditions.

Q. You wanted the congressional committee to see what you could see, and the commercial club?—A. We wanted the congressional committee to be on the ground and become thorougly familiar with the situation.

Q. And seeing this to come to a conclusion?—A. Well, we thought they would.

Q. And coming to a conclusion, to propose some legislation?—A. Well, possibly; or suggest some other method of relief. We did not know exactly what course would be taken then.

Q. But you saw these things, the commercial club saw these things, and must have come to some conclusion?—A. Yes.

Q. And must have had some legislation in mind?—A. Yes, sir.

Q. What legislation did you have in mind?—A. Our proposition, and my poroposition personally, was that the only solution of the problem was a complete removal of restrictions on the White Earth Reservation.

Q. What kind of restrictions on the White Earth Reservation?—A. The restriction about the alienation of lands at that time. That was my conclusion in the matter.

Q. And did you expect the congressional committee to see that and to propose that?—A. Well, I thought they would; that is, I didn't know whether they would propose it or not, but I was convinced that if they had been on the ground here and were thoroughly familiar with conditions as they existed, that they would see that that was really the only effective method of cleaning up this proposition.

Q. Is that your personal proposition?—A. Yes, sir; it is.

Q. And has the commercial club proposed that also?—A. Well, I have not heard them express themselves on that lately. I think generally that is the opinion.

Examined by Mr. GRAHAM:

Q. Did you discuss in that connection, Mr. Cooper, what the view of the Indians on the reservation would probably be?—A. Why, I don't think that we discussed it in the club, but it has been discussed a great deal, and I think the generally accepted opinion is that the Indians will make a great deal more themselves to be put upon their own resources and removed from the Government control.

Q. The alienation of their land and the conveyance of it in fee to white settlers would, of course, result in their eviction from their allotments, would it not?—A. It probably would.

Q. Where would they probably go?—A. Well, they would probably, a good many of them, go to work.

Q. (By Mr. GEORGE.) And the rest?—A. Well, I don't know as to that. The Government has an institution, I understand, for taking care of the ones who can not work.

Q. Well, in dealing with that question, as your club did deal with it, how did you figure it out as to what would become of the Indian?—A. Well, we figured—not especially the club, but it was generally understood and talked of—that if the Indians were put upon their own resources they would make more of themselves; they would start to work and become more independent, especially those that were able, and they would gradually become mingled with the white people, and would benefit them certainly a great deal more than they are at the present time.

Q. That included, of course, the old and the very young Indians as well?—A. Well, yes; of course the mingling would be very hard for the older ones, the real old Indians. That is a proposition that is pretty hard to decide upon, but, as I understand it, the Government has institutions to take care of the older Indians who can not work.

Q. Where, for instance?—A. They have one at White Earth.

Q. Where else?—A. Well, I am not working up there any more; I don't know.

Q. How many could be taken care of at White Earth?—A. I don't know.

Q. Have you any knowledge on that point?—A. No, sir.

Q. Well, you couldn't say to the committee that those who would be dispossessed—evicted—from their allotments could be taken care of at White Earth as it is now?—A. No; I would not say that.

Q. In the discussions in the clubs, which led up to your conclusion, did the welfare of the Indian form a subject of discussion?—A. Well, that was discussed at different times. I think it was a matter of general understanding, the opinion accepted by most everybody who was familiar with these conditions, that if the Indian is put upon his own resources he will amount to a great deal more than he does under present conditions.

Q. Was that one of the reasons why the club took the position it did?—A. I don't think so.

Q. Did that enter into it at all?—A. Only incidentally.

Q. And remotely at that?—A. Yes, sir.

Q. The main and moving cause with the commercial club was the business prosperity of the neighborhood?—A. Yes, sir; I think it was.

Q. (By Mr. GEORGE.) The white man's prosperity?—A. Well, not alone the white man's prosperity. I would say the prosperity of the great majority of the Indians and the present conditions. The way the thing finally turned out not only the white man was damaged, but the Indians were damaged. For instance, as soon as the cloud was thrown over this whole proposition the Indians who were selling their lands necessarily would not be able to receive the same amount for their property as they would if this proposition had been cleaned up and cleaned up right.

Q. To carry your theory a step further, do you think it would be better for the Indian if the Government would simply annul all treaties and contracts with him and deprive him of his allotments, burn down the homes and tell him "now you go and dig for a living"?—A. Well, no; I never suggested or never inferred anything of that kind.

Q. But that would be the logical result, wouldn't it?—A. I don't think so. But the removing of the restrictions on the reservation would not lead to that. That would give him the right to do business the same as anyone else.

Q. To dig?—A. Yes; certainly.

Q. That is, to earn his bread by the sweat of his brow?—A. Yes, sir.

Q. Now, have you personal knowledge of some of the sales of their allotments made by the Indians?—A. Yes.

Q. The prices paid and the use made of the money received?—A. Yes.

Q. Do you think that those bargains were fairly made in all cases?—A. I would not say in all cases, although in a great majority of the cases they were.

Q. What per cent would a "great majority" be?—A. I would not be in position to say that.

Q. Well, would you say that almost half of the cases would be of the other character?—A. No; I would think not.

Q. Give us your idea of the per cent.—A. I think over 80 per cent of the deals on the reservation were legitimate.

Q. In discussing the matter in the club did you take into consideration the fact that the Government had induced all these Indians to leave other places where they had lawful rights and to come on the White Earth Reservation under at least an implied guaranty that the Government would practically take care of them there?—A. That proposition was never discussed in our club; no, sir; or any other way so far as I know.

Q. Did the question of the honor of the American people and of the Government which represents them in their dealings with the red man form the subject of conversation or discussion in the club?—A. No; I don't know as it did.

Q. Well, then, boiled down, the aspect of the question which the commercial club considered was that it would be a good deal better for the business in the towns around the White Earth Agency if the Indians should be permitted to convey away their allotments; and if after they had conveyed they went elsewhere, it would be

that much better.—A. That is not our position, and it was never our position.

Q. What is your position?—A. Our position is that it would be not only better for the white people who had been induced to come upon the White Earth Reservation and settle, but it would be better for all the Indians on the White Earth Reservation if the restrictions on their property were removed—the balance of them, as long as the greater part had been—and remove the clouds from all these titles, so that their property which they had and wanted to sell could be sold for higher prices.

Q. Yes; that you have stated as your conclusion, but I am trying to get at the process by which you reached your conclusion, and you have not given us that. You have merely given the conclusion which you reached—which you gave us before.—A. Well, my reason for that is simply this: That after the restrictions upon the adult mixed-blood Indian were removed—after the restrictions on the greater part of the Indians on the White Earth Reservation were removed—and there had been made no roll, no way of officially determining, except from the Indians themselves, who could sell, that necessarily there was some conflict; and under those conditions the property of course would not bring as large a price as if there had been no cloud on the titles; that is, if there had been no doubt. Everybody would feel absolutely sure; there would be no doubt at all.

Q. I think it would be considered by any sensible person that the sale of land and the price of land in that community would be stimulated if the titles were unclouded. We might take that for granted. Now, you stated a while ago that the white settlers were induced to come to White Earth. How were they induced to come?—A. Why, lands were offered for sale on the White Earth Reservation.

Q. That is under the Clapp Act, so called?—A. Yes, sir.

Q. And the inducement was to get chap land?—A. Not necessarily cheap land—farming lands.

Q. There would not be much inducement unless the land were considered cheap?—A. Well, at a reasonable price.

Q. There was no other inducement than that?—A. No; I think not.

Q. Now, to what extent were the lands which were sold sold to actual settlers from surrounding counties, or surrounding States, for that matter?—A. I can not say what the percentage would be.

Q. Now, was there not very much more of it sold to local speculators than to persons who were intending to actually settle upon it and live upon it?—A. That was true, on the start; but since that time of course the great portion of the lands have passed into the hands of actual settlers.

Q. But, in the first instance, how much of it would you say passed into the hands of local land speculators?—A. Well, I am not in position to say as to that. I would state that I didn't come to White Earth Reservation until the spring of 1908, and so I really don't know in the first instance——

Q. From reading or hearing about it?—A. Of course I am of the opinion, and I think it is generally conceded, that the greater portion of the lands passed into the hands of local men, all right.

Q. You might say speculators without doing violence to the situation?—A. Yes; yes.

Q. And you might go a little further, might you not, and say that practically all of it was handled by them in the first instance?—A. No; I would not say all of it.

Q. Well, practically all of it, I said.—A. I know of a great many cases where lands were bought by speculators themselves from the Indians.

Q. Did they move onto the land and settle on it?—A. Yes, sir.

Q. Did they make any improvements on it?—A. Yes, sir.

Q. To what extent did that happen?—A. Well, of course, not to a great degree, but there were certain instances of it.

Q. Might you not state it in the other form and say to a very limited degree?—A. Yes; I would state that; yes.

Q. You say that the great majority of the people on the reservation are mixed bloods. By that, of course, you mean persons who have ever so little Indian blood in them?—A. Well, that is my interpretation of mixed blood.

Q. Yes; we agree about that.—A. Yes, sir.

Q. Now, what is your judgment as to what the law ought to be in that regard? Do you think a man who has one one-hundred-and-twenty-eighth part of Indian blood in him should be classified in the same category with a man who has only one one-hundred-and-twenty-eighth white blood? Do you get my thought?—A. Yes; I understand what you mean. Well, it is a pretty hard proposition to classify people and make a just classification. Some of the people who have one one-hundred-and-twenty-eighth Indian blood might be less capable of taking care of their affairs than others who are mostly Indian. But it would be very hard to state as a general proposition. I would not attempt to answer that proposition.

Q. But in matters of that sort, the legislators have to do the best they can. They can not cover all individual or specific cases. They have to make the law general, applying to the whole reservation, and in order to make the law applicable to all and reasonable and fair, where would you draw the line between mixed bloods and full-bloods?—A. I don't think I would draw any line at all.

Q. You stick to your first judgment, that there should be no line drawn and no restrictions whatever?—A. Yes; that is my position, and always has been since I became acquainted with these conditions.

Q. And you say to the Indian, "Survive or perish on your merits."—A. I think the Indians, as a class, will become better people and make more of themselves the sooner that is done.

Q. But you accept my question as your view?—A. Yes. Yes, I do.

Q. Would you include the minors in your estimate?—A. As far as Government control, I would.

Q. I mean, would you allow the minor to alienate his land?—A. No, sir. I would leave the minor under the same restrictions that a minor would be under the State law.

Mr. BURCH. A white minor, you mean?

The WITNESS. Yes.

Q. But as to the very old people who are full-blood Indians, if you please, or substantially that, who were entirely incapacitated in business matters, as many of them are, and entirely incapable of attending to important business, I might almost say, to any business, what provision would you make for them?—A. Well, for people

in that case, living outside the reservation, there is provision made for them, and I think that is a rather difficult problem to handle. I think that the State institutions would provide means for them. I would put them in the same class with any other citizens of the State.

Q. Would you send them to the poorhouse; is that it?—A. If that was necessary. If they were absolutely incapable of taking care of themselves.

Q. Your plan, then, would involve the absolute conveyance of his 160 acres of land by an old Indian who can not speak or understand English, and of course can not read or write, who can not tell the difference between a one dollar bill and a one hundred dollar bill; in other words, who can not count money at all, who does not know whether he ought to pay one dollar or a thousand dollars for a horse, and who does not know the difference between an old sewing machine that has been thrown out of somebody's house and a new one that would work—both being valuable to him—for that matter, under your scheme, he would have complete authority to divest himself of title to his lands, and then it was for him to say how he should live?—A. No; I would not say that.

Q. He could go to the poorhouse?—A. My position would be that if the Indian was the kind that you describe, the State probate court ought to have control over him, and if he was of that kind there ought to be a guardian appointed for him, and the State probate court could say what he was entitled to and could see that he was paid the money from time to time in small amounts. That would do some good, and that is, as I understand it, one of the vocations of the probate court.

Q. How many adult Indians are there on the White Earth Reservation?—A. I don't know.

Q. How long would it take the probate court to hear and determine all the cases of that character that should and probably would come before it?—A. I don't know how long it would take the probate court to do it.

Q. Would it be practicable to have it done in the probate court because of the time it would necessarily require to do it?—A. I think it would be practicable. I don't think the number of cases of that kind would be so great in number but what they could be handled.

Q. Why don't you incorporate that feature in the scheme proposed by the commercial club?—A. There was no scheme proposed by the commercial club. I don't understand that it has any scheme at all.

Q. I mean plan—I don't mean it in a disreputable sense—I mean plan.—A. Well, there was no definite plan laid as to the details of the business as it was to be carried out; but if the restrictions were removed from all the Indians the probate court would necessarily have a right, as a matter of law, to appoint a guardian for those Indians, if they were of the kind you describe, and would have control over their property and could handle it.

Q. Was it my suggestion to you now that caused you to think of the probate court as a resort for such Indians?—A. I don't think so; no.

Q. Well, if so, why did you at first say that every Indian ought to be allowed to alienate his land without qualification; isn't there a conflict between this answer and that one?—A. I don't think so; no.

Q. Explain why there is not.—A. My position is as far as Government control is concerned. I say that I think it would be better for all the Indians if the restrictions to their property were removed; and if the Government control was removed the Indian would naturally—and that property would naturally—come within the jurisdiction of the probate court. And if any of these pepole were incapable of taking care of themselves the probate court would have the right to appoint a guardian and see that their interests were protected.

Q. On application by somebody?—A. Yes, sir.

Q. Who would make the application?—A. Why, as I understand it anybody could make an application.

Q. Who would be interested in making such an application?—A. Any member of his family would.

Q. If there were no member of his family competent to do it?—A. Well, anybody.

Q. Would anybody?—A. I think so. I think so.

Q. Have you known of any cases where anybody butted in to preserve the rights of any Indians on the reservation; and if so, tell us who "anybody" is.—A. I don't remember any particular names, but I know of cases where applications for guardianship were made by other people who were not directly interested in the family, but who knew the conditions.

Q. Do you not know of 10 cases where "anybody" tried to get the Indian's allotment away from him for little or nothing, for each case you know of where "anybody" butted in to preserve his rights for him?—A. Well, I couldn't say as to that. No; I don't believe so.

Q. Certainly you know of more cases of the former than of the latter kind, don't you?—A. Well, that depends upon the construction of your term. I know, of course, of cases where people have been interested in buying the property, but I don't know as it necessarily implied that they were trying to beat him out of it.

Q. How long would it take the probate court, as you call it, to try a case as to the competency of an Indian to transact his own business?—A. I don't know; I don't think it would take very long.

Q. That is not much of an answer. How long? That might mean 10 minutes or much more. Specify.—A. Well, I think it would be done in a couple of hours.

Q. It would require a jury, under your law, wouldn't it?—A. No; I think not.

Q. To determine the competency or capacity of a person to do business?—A. I think not.

Q. I am not familiar with your law, but you surely must be mistaken.

Mr. BURCH. I don't think he is. I think that is correct.

The WITNESS. I think the court decides that alone.

Q. Well, how many witnesses would be necessary in such case, to give him a fair trial before the court?—A. Why, not necessarily any particular number of witnesses, as I understand it.

Q. My experience is that cases of that character are usually voluminous; that those who know the man and have observed the way he acts and does business, and are familiar with him, are called in to tell what they know about him, pro and con, so that the court may determine justly and rightly whether he is capable of doing

business. To do that, where you have a number of witnesses, would surely take a day, probably more. In addition, the witnesses might be required to come a distance, and they would be entitled to mileage and per diem. The cost would be very considerable, wouldn't it?—A. My experience in these matters has been really not complicated, as you suggest, and I know of a number of cases that have been tried a great deal quicker than that and more expeditiously, and not particularly complicated.

Q. Were they contested?—A. No; I believe not.

Q. That would make a great difference, wouldn't it?—A. That would make quite a difference; of course.

Q. It is lots easier to try a case and win it when there is only one side to it.—A. That is true. Of course, as I understand, if an Indian, or anybody, were in the condition you suggest, people could see that it would be for his interest, and I don't know as anybody would contest it. There might be instances in which they would, but I don't think they would be general.

Q. No; I agree with you. We have had instances before us already where no one seemed to take any interest in the Indian or his family. We had a young man here yesterday, or day before, who has been blind since he was 8 years old, and now he is 26, and the question was asked him, in connection with the sale of his lands, why he did not consult with some one. He said he had no one to consult with. I think his case is not an isolated one and that the Indian would not have any Indian friends who could or would look after him carefully and honestly. Now, what do you think about that?—A. Well, Mr. Chairman, I will explain a little further along that line. Since the conflict in jurisdiction has arisen here, I will say that the State authorities have been rather reluctant to go ahead and take hold of these matters in the probate court in the manner in which they would if their jurisdiction was not denied. The jurisdiction of the probate court regarding these Indian matters has been constantly denied on account of the conflict and the difficulties that have arisen here, and I know of instances where these matters have come up, and on account of the person not knowing exactly, and the probate court even itself not feeling exactly certain when it has jurisdiction and when it has not, these Indian matters, I will admit, have not been given the attention they would have been given if there had been no doubt, nor any conflict, nor denial of jurisdiction.

Q. Now, I concede that this view is to some extent sentimental, if you please; but did you think of this aspect of the case when you were considering it—that the red man was here before the white man; that he occupied all these fertile lands and owned these forests; that we drove him back, step by step, killed him when he resisted too much, until finally he was reduced in numbers to such an extent that he was no longer formidable, and then we stopped a while and thought about the situation? Human sympathy doubtless asserted itself, and this great Nation, through its Government, said: "We must stop here. We must try and be just to the red man from now on." And then it set to work and established a great Government bureau especially for the benefit of the Indian people in the United States; and that bureau was to win him from his former habits—to educate him, to train him, to honestly and faithfully give him th

advantages of such civilization as the white man had. Now but a remnant of them remains—a few remnants. One of those is here on White Earth. The white man has surrounded him; has invaded his reservation, is trying to take it away from him, in fact. The white man is a better business man than he; the white man understands industry; the white man can use capital; the white man can make machines and use them himself in pushing business enterprises all along the line. But the Indian is in his way, and those enterprises, industrial and commercial, can not be carried on so successfully unless the Indian is crowded out of the way. And the question becomes acute at White Earth—what shall we do? Shall we send him the way we have sent his ancestors, or shall we deal fairly with him and keep faith with him, as the Government has promised to do? What do you think we ought to do?—A. That is a pretty big problem and a pretty big question to answer.

Q. Well, you have answered it all right, unless you modify your plan. He must get out and dig or go to the poorhouse, you say.—A. Well, not necessarily.

Q. What other alternative do you offer?—A. Well, you asked me if I ever thought of it in that light. Of course, I can not——

Q. Don't you think it is the duty of the Government to look at it from that point of view?—A. Well, it is the duty of the Government to keep their contracts with the Indians, of course, and to fulfill any treaties.

Q. Did they at any time contract to let a man who could not count $10 sell his land without knowing the value of the land, or without knowing the value of what he got for it? Would that be keeping the contract on the part of the Government?—A. I don't know. I don't believe that the Government ever contracted not to remove any restrictions from the Indians. I am not familiar with the treaties that the Government has made with the Indians, so far as that is concerned. I have not made a study of that part of it.

Q. Well, the Government is not spending any of its own money in the matter? The Government is simply handling funds which the Government admits belongs to the Indians. And in the administration of the trust—that is, in the expending of the Indian's money for the pretended benefit of the Indian—is it to be spent in such a way that the Indian must die a pauper unless he is able to work and knows how to, and is willing to?—A. No; I don't think that would be right.

Q. Let me say again that in a way I sympathize with the people of Mahnomen and the people in the towns along the reservation. But facts are facts, you know, and they are living here and they would like to see their towns growing and prosperous, and all that, and it does seem as though they think their towns can not prosper and grow as fast as they want them to unless they can get rid of the Indians.—A. No; I don't think that is true.

Q. Well, isn't it true that your club and other commercial clubs, as you have already admitted, look upon this question as a business proposition entirely apart from the rights of the red man?—A. No; I don't think so.

Q. I understood you to so state.—A. No. I said that they considered it would be beneficial to both the Indians and white people. As a matter of fact, it would be beneficial to everybody concerned.

Q. When you say it would be a benefit to the Indian, you are doing a great deal of theorizing.—A. I think it can be substantiated.

Q. On the theory that if thrown on his own resources——A. It would probably not be true of every Indian, but I think that in a great majority of cases it would be true.

Q. Would you admit that there are two sides to the question?—A. Certainly. There is room for argument on both sides, for the reason that there are always isolated cases which a person can talk from on either side. But I said, speaking generally for the greater number, I think it would be beneficial to all concerned.

Q. Going back now to the question I asked you a while ago as to the capacity of the Indian in proportion to the amount of blood of the Caucasian and Indian races that he has in him: Have you any judgment as to where you think, for the protection of the Indian, the line ought to be drawn?—A. That is a question, Mr. Chairman, that I would not attempt to answer, for the reason that some of the Indians who would be nearly full blood are possibly just as capable, or more so, of taking care of their own affairs than some who are not, and I would not be able to state. It would be a very difficult proposition for anybody to attempt to draw the line.

Q. Well, but legislation is not made to fit specific cases. Legislation is made to fit general cases, you know; and, waiving those few instances, the general rule would be the other way—that the full-blood Indian or the Indian almost full blood would not have much capacity for the transaction of business, and that somewhere along the line between the white and the Indian, say at the half breed or somewhere there, there is a place where the line could be drawn so as to include most of the incompetents on one side and most of the competents on the other. Is not that true?—A. I am not in position to state as to that. I am not in position to state as to that.

Q. Very well.

Examined by Mr. BURCH:

Q. Now, as a lawyer and a man of some experience in such matters, I wish to take you back to your probate-court proposition. Under the laws of Minnesota a person incapable of doing business or asserted to be incapable of doing business may be so declared by the probate court, which is in the hands of the county probate judge, without any commission such as we call a commission, de lunatico inquirendo, I think. In other words, not upon the proposition of being actually insane, but simply incapable of administering that person's own affairs. Am I correct in stating that proposition, that the court can do this without any jury or commission?—A. I think so; yes. I think you are correct about that.

Q. Now, suppose here is an Indian—we will call him John Smith—who is old, decrepit, unaccustomed to the ways of the world of business and the white man's civilization, and incapable of managing his own affairs to such an extent that if he were a white man he should be placed under guardianship. He has an allotment worth $1,000. It consists of 80 acres of desirable land. A shark, a schemer, a plotter, who desires to acquire that land, going to the probate court through an attorney or some other person, and through them making an application for the appointment of a guardian, and making the

necessary showing as to that Indian, the Indian having nobody to answer for him whatever and being dependent absolutely upon the acumen and sense of justice of the judge of probate, and the hearing would occur. Testimony would be adduced tending to show the incompetency of the Indian and a guardian, other than the shark who is after the land, would be appointed, supposedly an honest man. The land would be put up, the guardian would apply for a license to sell the land for the benefit of the Indian, the land would be put up for sale, the shark would be there by an understanding, not between the judge of probate and himself, but between the instruments that he has used for that purpose, perhaps the guardian or petitioner for the guardian, and the land should go at a comparatively small sum. Where would the Indian be at if that land, worth $1,000, should go for $200? Where would he be?—A. Mr. Burch, that implies that the probate court is either incapable or corrupt.

Q. Not at all. Not at all.—A. Well, as I understand it, this guardian and the property and everything is under the supervision of the probate court, and the probate court, before issuing any license to sell that land, must necessarily inquire into conditions for the benefit of the ward, and it is also the duty of the probate court to see that the property brings a fair value; and I think they do, ordinarily.

Q. No. Let us see whether they do or not. A probate court does not ordinarily go upon the land himself. He takes evidence upon that point, does he not?—A. The probate court appoints appraisers.

Q. Well, supposing it is all in a bunch. Supposing he appoints appraisers. He appoints those generally upon the nomination of other parties who make the application, the petition, does he not?—A. I don't think so. As a rule the probate court, I think, is entirely free to act in that respect.

Q. He is free, but he generally does act according to the showing that is made before him, does he not?—A. I don't know as to that—regarding the appointment of the appraisers.

Q. Yes.—A. I don't know as to that. I don't think so.

Q. Now, doesn't it open the finest opportunity in the world, as a common-sense, hard-headed member of the profession, looking at it from strictly an impersonal point of view, I ask you if that probate-court process of yours is not capable of the worst possible injury of the property rights to that defenseless and incompetent old man or old woman?—A. No, sir; I don't think so.

Q. Well, it is a matter of opinion, then. I ask you one question further. Are you representative in your opinion? That is, are you practically of the same mind—that is, do you reflect the sentiments of those gentlemen who, like yourself, have dealt in Indian lands?—A. Well, I would not state that the opinions I have given you are entirely original with me and are my own opinions. I have not been delegated to give the opinion of anybody else, and I realize that there are probably a good many who differ with me; but I am also aware of the fact that that, I believe, is the opinion of a great many.

Q. Do you know the Mahnomen Pioneer?—A. Yes, indeed.

Q. Has not that advocated the complete removal of the restrictions?—A. I believe it has.

Q. Has not Mr. Henry Birkett, a prominent citizen of your place, advocated the removal of the restrictions?—A. I believe he has.

Q. Isn't that rather a common sentiment?—A. I believe it is; yes.

Q. That is what I want to find out—whether you are representative in your opinions and sentiments, or in your theories necessarily, of the prevailing impression among the people, the prevailing idea of the people who have been engaged in the purchase and sale of Indian lands upon the reservation.—A. I think that is the prevailing opinion not only among those people, but of pretty nearly everyone on the reservation; I should say a great majority on the reservation.

Q. Would you say that included the Indians themselves?—A. Yes, sir; I believe it does.

Q. These old people and these young people of the mixed blood?—A. I believe that includes the majority of the people on the White Earth Reservation, either white or Indian.

Q. Wouldn't that naturally be so—the child sees another child have a piece of candy, purchased with money, wouldn't that child want money to purchase candy with?—A. Probably so.

Q. Yes. That is all.

Examined by Mr. GRAHAM:

Q. If that course were to be pursued, Mr. Cooper, would it not be more equitable for the Government to buy back the land from the Indians at a fair price, put the money in the Treasury for the benefit of those people, and then let the Government deal with the settler?—A. Well, I don't——

Q. Do you think it ought to be tolerated in this day and age, under our Government, that a child, or an old man who can not count money, should be permitted to sell his land and take payment in trade in old horses or old junk, when that man is the ward of the United States Government?—A. I say I believe that the policy I have outlined would be a great deal more beneficial than the conditions as they now exist. My position is this: From what I have seen of the way these old Indians are treated by the Government, I do not think they are receiving any great material benefit. They get annuity payments that amount to practically nothing, and I can not see where they are receiving any material benefit as conditions now exist; and while in all cases it might not work out exactly right, I say that, generally speaking, I think it would better the conditions.

Q. Have you made any investments in White Earth?—A. Some; yes, sir.

Q. What kind of property?—A. Real estate.

Q. That was in the allotted lands?—A. Yes, sir.

Q. How much?—A. I don't own a great deal. I am a small dealer. I don't know exactly.

Q. More than one allotment?—A. Yes.

Q. More than two?—A. Yes, sir.

Q. More than five?—A. Yes.

Q. That would be 400 acres?—A. Yes.

Q. How much more?—A. Why, I don't know the exact acreage. I probably own in the neighborhood of a thousand acres.

Q. If the case were up for trial before a jury you could not qualify as a juror to try the case, could you?—A. I do not know as to that.

Q. The fellow on the other side would not want to take you?—A. Probably not.

Q. That is all.

Examined by Mr. GEORGE:

Q. Mr. Cooper, did you think that a congressional committee would accept these views that you have been explaining to this committee?—A. Well, I didn't think of that in particular. I did not expect any committee to accept my views of it, but I thought the congressional committee would see conditions and circumstances and would certainly be in a position to recommend something that would be effective.

Q. Well, to recommend what you have been proposing?—A. I don't know as they would. They might consider; they might conceive of some other idea.

Q. Do you know of another remedy other than what you have considered?—A. I do not know as I do. I do not know of any other remedy I think that would be as effective.

Q. And yet you were very urgent for a committee to come up here?—A. Yes; I wanted to see a committee come here.

Q. And the gentlemen of your club were urgent?—A. Yes, sir.

Q. And they had this in view, this remedy that you have described?—A. No; I don't think so; not necessarily. We wanted a committee to come here and see conditions and recommend whatever they thought, after their investigation, would be best, and we did not propose to urge any particular method of legislation on them at all.

Q. But this you did hope for?—A. Yes, sir; I did.

Q. And Mr. Birkett?—A. I believe Mr. Birkett did also; I don't know.

Q. And the other gentlemen of the club?—A. Yes, sir.

Q. Did you have any hope of the committee coming to these conclusions?—A. Well, I thought that they would. I don't know as I had any hope. I thought they would come to some conclusion. I did not know exactly what it would be.

Q. Did anybody lead you to hope so?—A. No, sir.

Q. You did not talk about what conclusion the committee might reach, if it came here?—A. No, sir; I did not.

Q. You did not have any particular anxiety about it, then?—A. We wanted them to see conditions, as we felt satisfied in our own minds that they would come to some conclusion which would better the conditions all around. We did not know what it would be.

Q. You were contented to let them come to any conclusion they might?—A. Yes, sir.

Q. Supposing they concluded to let things alone?—A. Well, we would have accepted it.

Q. Well, because you would have to accept it, or because you would like it?—A. I presume because we would have to.

Q. Did you have any correspondence with anybody in Washington about this?—A. Well, at what time?

Q. Well, preceding the time you were working for a committee?—A. Why, yes; we had some correspondence.

Q. With whom?—A. With our Congressman.

Q. Who was your Congressman?—A. Mr. Halvor Steenerson.

Q. Did you write him letters about it?—A. Yes, sir.

Q. Did you write as secretary of the commercial club?—A. Why, yes; at different occasions I did, yes; that is what I would be authorized to do.

Q. What was the substance of your letters?—A. Oh, I don't know exactly; I don't remember. We had been writing at different occasions—several times.

Q. Can you supply to the committee any of those letters?—A. I don't believe so; no, sir.

Q. You don't keep a file?—A. I have no copies of them.

Q. As secretary of the club you have no copies of them?—A. Well, we—I will explain this, that we do not do a great deal of corresponding—that is, entirely by the commercial club; different people do a great deal of correspondence, and I believe I did some, in behalf of the commercial club, and we also did considerable telegraphing——

Q. Can not you supply any of these telegrams or letters that you sent your Congressman on this subject?—A. No; I have no telegrams; no, sir.

Q. Nor letters?—A. I believe not.

Q. Don't you know?—A. I don't remember having any.

Q. Don't you keep any file?—A. Yes; I have done a great deal of correspondence along that line.

Q. But have you any correspondence?—A. I don't believe I have any correspondence.

Q. Can you look?—A. I can look; yes, sir.

Q. If you have them, would you give them to the committee?—A. Indeed I would.

Short recess.

Mr. GRAHAM. Mr. Beaulieu, proceed.

Examined by Mr. BEAULIEU:

Q. Mr. Cooper, do you know anything about Indian lands that have been sold by the Government in this State?—A. Well, I am not very familiar, except occasionally hearing of it or reading of it.

Q. Have you heard how much the Government is receiving for Chippewa lands?—A. As I remember the statements in the paper, I think it was $1.25 per acre; that is my recollection, although I have no particular knowledge of the situation at all.

Q. Did you ever hear that about 4,000,000 acres of land, at $1.25 per acre, has been sold by the Government?—A. I would not say that I remember the acreage.

Q. Well, a sufficient amount of pine lands, or pine timber and agricultural lands, have been sold to make up a large sum, has there not?—A. Yes; as I understand it.

Q. Have you ever heard how much that is?—A. I do not know exactly the number.

Q. You have heard that it is a very large amount?—A. Yes.

Q. You say you read the Tomahawk?—A. Yes, sir.

Q. Did you ever see in it how much money the Government had received from the sale of pine timber and agricultural lands?—A. Well, does that constitute the fund of the Chippewa Indians at the present time?

Q. Yes.—A. Well, as I remember it, I understand generally that there was about $5,000,000, if that money is turned into the Chippewa

funds. I do not know as I have any particular knowledge of those affairs. I do not know that I would be in position to say.

Q. Well, it is nine million instead of five.—A. It might be.

Q. You don't really know anything about it?—A. No; I do not pretend to.

Q. You don't know that the Government has sold Chippewa lands for $1.25?—A. I understand so; yes.

Q. What do the allottees themselves receive for the same class of lands at White Earth?—A. Well, I would like to state that I am really not very familiar with the class of lands that have been sold by the Government at that price.

Q. I mean agricultural.—A. Then you want to know from me what my opinion would be as to the average price of White Earth agricultural lands.

Q. Yes.—A. Well, that is a pretty big question. My impression is that the average price of the prairie land, agricultural land, would probably run from $8 to $10 per acre.

Q. Yes. Now, you stated here that the commercial club had not discussed anything in regard to the protection of the Indian. Is that true?—A. Well, the commercial club had discussed the effect, that it would be better for all concerned, for the Indians and for the white people, if this proposition should be relieved; but, as far as going into the details of discussion regarding the Indians or care of the Indians, I do not know that that had been discussed thoroughly.

Q. Have not the commercial clubs on the reservation usually taken the position that it was the duty of the Indian agent to protect the Indians?—A. Yes, and that is one reason why the State authorities have been reluctant, because the jurisdiction of the court there has been constantly denied by the Department of the Interior and the Department of Justice.

Q. Well, have the Indian agents protected the Indian?—A. Well, I am not here to criticize the Indian agents or anything of that kind, but from a casual glance at the proposition, as I see it, I do not think they have done very much for them.

Q. Do you now how many Indians there are upon the White Earth Reservation?—A. I understand there are something over 5,000.

Q. You come in contact with those Indians every year, do you not?—A. Yes, sir.

Q. Do you think you could look around and say what percentage there are of Indians in this room?—A. I could not state as to that. There are probably a great many people here of Indian blood that I would not detect. I do not know.

Q. There are a large number of people in this room who have allotments upon the White Earth Reservation, are there not?—A. Yes, sir.

Q. I am calling attention to this because the eastern people, as a rule, think there are still a great many of Fenimore Cooper Indians and I want to show that there are not. How many of the Indians you have come in contact with are self-supporting upon the White Earth Reservation?—A. Well, I would not be in a position to answer that anywhere near accurately. I think that the greater part of them could be self-supporting if they were given to understand that they were to earn their own living.

Q. I mean how many of them that you have come in contact with are self-supporting, earning their own living?—A. Well, I think the greater part of them are. I would not be in position to say.

Q. As a matter of fact, do you know of any Indians that are not self-supporting that are outside of the Old Folks Home?—A. I do not call any to mind.

Q. Are there any in the poorhouse of Mahnomen County?—A. We have no poorhouse. I do not believe there are any Indians in the county at all, in Mahnomen County.

Q. There are no Indians that the county is taking care of?—A. No, sir; I think not.

Q. Are there any white people?—A. Yes, there are a few white. There are some white people that the county is giving aid to.

Q. But no Indians at all?—A. No, sir.

Q. What has been the effect of the contact with white people among the Indians generally, upon the White Earth Reservation, since you have been there?—A. Why, I think it has tended to make the Indians more independent.

Q. Do any of the farmers employ the Indians?—A. Yes, sir.

Q. Quite a number?—A. Yes; and the sawmills do, also, as I understand it.

Q. Do you know whether the Indians found work readily prior to the act of 1906, commonly known as the Clapp Act?—A. I can not say; I was not there prior to that time.

Q. Have you not heard?—A. Well, I don't believe that they were generally; no, I don't believe it was very easy for them to find employment, although I think a great many of them did work in the lumber camps. I have no definite knowledge as to that.

Q. Do you know anything about the Indians, the Chippewas, in Michigan—they number over 6,000—who are without allotments?—A. No; I do not.

Q. Have not the Indians upon the White Earth Reservation generally been in favor of being released from the Government control in every way?—A. I think almost unanimously. I might say this: I do not believe I have ever talked to an Indian but he has insisted that he wanted to be released from Government control.

Q. You were there at Mahnomen on the 3d of last month, were you not, at a council held in the hall?—A. No; I was not there. I was in southern Minnesota then.

Q. Now, how many—do you know anything about the classification act that Mr. Steenerson introduced last winter?—A. I have read it; yes, sir.

Q. Do you remember what that bill proposed?—A. I think it proposed a commission to prepare a roll, a classification of the Indians.

Q. What was the object of that roll?—A. Why, to determine the blood of the people, and to classify them so that there would be some official record as to what was a full blood and what was a mixed blood, I presume.

Q. Well, what was the ultimate object of the making of that roll, was it not to protect people from buying from full bloods?—A. Yes; of course that was the object, to prepare a roll and find out who were mixed bloods and who were full bloods, so a person could tell what they were dealing with.

Mr. GRAHAM. Mr. Beaulieu, did it give any new definition of mixed bloods?

Mr. BEAULIEU. No, sir; I think not.

Q. Did you read that bill?—A. I read the proposed bill; yes.

Q. Was there anything in that bill which in your opinion would tend to set aside the work of Mr. Burch and his corps?—A. I don't think so.

Q. In fact, it would have aided the corps to reach its conclusion or opinion?—A. I believe it would have.

Q. It is in the record now, on page 24 of the records of these hearings. I guess that is all.

Examined by Mr. DENNIS:

Q. In your testimony, brought out by Mr. Beaulieu, you refer to the sale of lands by the Indian to the white man, and by the Government to the white man, and the estimate that the white man paid the Indian $8 or $10 an acre, and that the white man paid the Government $1.25 per acre. Do you recall the testimony?—A. Yes, sir.

Q. When the Indian sold to the white man, as a general proposition, he paid the Indian the money?—A. Yes, sir; I think so.

Q. Now, when the Government sold the land to the white man, do you know whether the Indian ever got the money?—A. I do not know what became of it.

Q. Have you ever heard that the Indians ever got any money for their lands?—A. Well, I presume it was put into the fund. That was my understanding. I do not think it was paid out directly to them. I do not claim to have any definite knowledge of those things.

Q. How much did the Indians get from that?—A. The annuities. I believe it is six dollars and some cents, if I am not mistaken.

Q. You never heard of their getting any other sums derived from the sale of their lands?—A. I never heard of them; no, sir.

Q. That is all.

Examined by Mr. BURCH:

Q. Mr. Cooper, do you regard the Treasury of the United States as safe; that is, for the deposit of money?—A. Yes, indeed.

Q. If the money which the Government receives from the sale of Indian lands for the benefit of the Indians were put into the Treasury, it would be at least safe, would it not?—A. It would be safe if it was not all spent—used up.

Q. Well, upon the supposition that it is not all spent or used up and is there intact, you would still expect that some time or another it would be used for their benefit or be paid to them or parceled out to them or used for their benefit?—A. It ought to be.

Q. Now, if they got it themselves, in the condition which you and others have depicted here, it would probably be spent or fall into the hands of the white man, and the Indian would then be left to struggle, just the same as a poor white man, with the vicissitudes of life, wouldn't he, and the realities—does not it follow, in most instances, in case especially of the full bloods and the people incompetent to do business?—A. I don't think that it would necessarily follow. Perhaps it would seem more, but I do not know as it would happen in a great many more instances that it would in the case of white people under the same conditions.

Q. Perhaps that might be so. That subject is largely discussed, I think, in our political controversies throughout the country—about what would happen if there was an equal division of all the money, in a comparatively short time—and I won't attempt to go into the matter theoretically; but anyhow, even in the case of a white man, if the money went into the hands of the Government of the United States, and was within the control of Congress, to be devoted to some purpose, ostensibly, at least, to those persons who were entitled to it by appropriation of Congress from time to time, you would naturally expect that it would not be spent, wouldn't you?—A. Oh, I would naturally expect that it ought not to be; I don't know whether it would or not.

Q. I do not design to go at length into this matter, but, as I understand, as I gather from the evidence in this matter so far, there is about $150,000 annually used for the maintenance of the White Earth Agency school, charities, education, and everything of that kind. Considering that there are 5,000 Indians on the reservation, that would be only a matter of $25 or $30 per capita per year. We will assume it to be $30. Now, considering all the schools that are maintained there, physicians who are kept there and paid for attendance upon the sick, and all the expenses of maintaining that agency, would you regard that as an extraordinary or exorbitant sum of their money to pay?—A. Oh, no; I do not know as that would be exorbitant.

Q. There are 32 townships, which are equivalent to two ordinary-sized counties?—A. Well, two small counties.

Q. Two 16-township counties?—A. Yes; I would consider that a small county.

Q. But you would not consider, would you, that that was an extraordinary amount for the maintenance of two counties in a white man's affairs?—A. Well, I don't consider that the Indian Department would be maintaining a county, in the same sense that a white community would.

Q. Of course there is a maintenance of a great part of Becker County, of Clearwater County, and all of Mahnomen County, as regular governments; that is in addition. But I am speaking now of the 5,000 Indians and their part of it. You say there are no poor supported by Mahnomen County—of the Indians. There are no Indians "upon the county," upon Mahnomen County, I understood you to say?—A. Not that I know of.

Q. There are some white people?—A. Well, I believe there are a few.

Mr. BEAULIEU. Mr. Cooper, if you had $9,000,000 in the Treasury of the United States one year, and before the expiration of that year $5,000,000 were taken away, would you not want to understand—to know—what that $5,000,000 was taken away for?

Mr. COOPER. I think I would want an accounting right away; yes, sir.

Mr. BEAULIEU. Well, and also, if you knew that, in addition to this $6.30 that the Indians are getting, the Government was expending $150,000 a year, and $75,000 of that amount, approximately, was being spent for salaries, would you not think it would be unsafe to allow your money to remain in the Treasury any longer?

Mr. GRAHAM. I do not want to stop you, Mr. Beaulieu, but the committee is just as competent to judge of those things as Mr. Cooper.

Mr. BEAULIEU. Well, I want to put it in the record.

Mr. GRAHAM. That is a simple business proposition that does not need to be proved.

Mr. BEAULIEU. Well, if Mr. Burch will leave that out, I will.

Mr. BURCH. I was led to do so by the questions asked by Mr. Beaulieu.

Mr. GRAHAM. Proceed.

Mr. BEAULIEU. Mr. Cooper, do you think that 16 employees in one school, with salaries ranging from $500 to $1,600, would be too many for 71 scholars or 130 scholars?

Mr. COOPER. I would consider that too many.

Mr. BEAULIEU. Would you think that if approximately $30,000 were paid for tuition of 230 scholars, it would not be too much salary?

Mr. COOPER. Yes; I would consider it out of proportion.

Mr. BURCH. Now, if, in that first instance you mention, 16 persons included some one to keep the fires going, somebody to do the laundry work, somebody to do the cooking, and somebody to do the nursing in the hospital—if, in fact, it meant the entire care and custody of those pupils—would it be extravagant—16?

Mr. COOPER. There might be conditions under which that would be necessary.

Mr. BURCH. When you answered the question, you thought that meant just for their tuition, didn't you—16 teachers?

Mr. COOPER. Well, I had in mind only the boarding school. I didn't have any hospital in mind.

Mr. BURCH. That is all.

Mr. GRAHAM. Now, let us get the exact facts here. Where is it that the 16 employees are connected with that school? I want to know what school that is.

Mr. COOPER. I did not know what Mr. Beaulieu referred to.

Mr. GRAHAM. What were the salaries paid there?

Mr. BEAULIEU. I just estimated the salaries of all the employees upon the White Earth Reservation.

Mr. GRAHAM. Well, in the second case, where $30,000 was paid out for the tuition of 230 scholars, do you know where that school is?

Mr. COOPER. I do not know which schools Mr. Beaulieu referred to in his hypothetical question.

Mr. GRAHAM. Have you any practical knowledge about the running of Indian schools?

Mr. COOPER. No, sir; I have not.

Mr. GRAHAM. Your judgment would be that of an ordinary person, with ordinary experience?

Mr. COOPER. Yes; I don't claim to know anything about it.

Mr. GRAHAM. That is an impression rather than a judgment?

Mr. COOPER. Yes.

Mr. GRAHAM. That is all.

Mr. Beaulieu, there is a delegation of Indians here, come at the request of Chief Kay-dug-gi-gwan-ni-yaush.

Mr. BEAULIEU. I heard at Minneapolis, before I left there, that Mr. Burch and his force had telephoned Pine Point Indians to come here as a delegation, and I presume that is the delegation.

Mr. BURCH. Not guilty.

Mr. GRAHAM. The question now is, Do you care if we let them get through and get away? One of them, at least, wishes to address the committee, briefly, I understand.

Mr. BEAULIEU. No, sir; I do not mind.

Mr. GRAHAM. I will read the Chief's letter into the record:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Pine Point, Minn., February 4, 1912.

CONGRESSMEN GRAHAM AND GEORGE,
Detroit, Minn.

GENTLEMEN: I am sorry that I could not come to Detroit to meet you, my friends. I shake hands with you, my friends.

I wish I could see you, but I do not think I will see you, because I am sick in bed. I am, however, sending a man to meet you who will take my place. This man is my brother, Bay-bah-ma-gi-wabe. He will take my place and will tell you all about the land that was sold; this my brother, Bay-bah-ma-gi-wabe, will tell you the truth about the land. This is all I am going to say other than I give my rights to this man, my dear friends.

Respectfully,

CHIEF KAY-DUG-GI-GWAN-NI-YAUSH.

Mr. BEAULIEU. Mr. Chairman, with that delegation is one Frank Smith. It has been charged by the affidavits of Mr. Linnen, which he has in his possession, that Frank Smith got the Indians drunk and took them down to Park Rapids to one of the district judges of this State, who immediately bought their lands, and I would like to have him subpœnaed as a witness.

Mr. GRAHAM. That is outside the present question. The pending question is, Who is the spokesman of the chief? If he is here, we will hear him. If he is not, we will go on.

BAY-BAH-MA-CHE-WABE stood before the committee.

Mr. Beaulieu interrogated the Indian in Chippewa.

Mr. BEAULIEU. I asked him if anyone asked him to come here, and he says, "Yes."

Mr. BURCH. Mr. Chairman, I think Mr. Beaulieu has made up a quantity of mud and is desirous of throwing it in the hope that some of it will stick. I think this committee ought to hear his complaint about this delegation or his remarks about them afterwards, and not before. I think it is entirely out of order here to have Mr. Beaulieu take this course of attempting to break up a respectable delegation in advance by pitching into it wholesale.

Mr. BEAULIEU. I said that I had heard at Minneapolis that you had telephoned out to this man to come here.

Mr. BURCH. I deny it.

Mr. GRAHAM. I think the orator ought to be allowed to make his speech without interpretation. You can then ask him your questions.

Mr. BURCH. Mr. Chairman, I desire to say that he asks that Mr. Smith may be allowed to interpret for him to the committee instead of Miss Warren, because he does not at all times understand Miss Warren.

Mr. GRAHAM. I would like, however, to have Miss Warren present.

Miss WARREN. He says that they have a spokesman here and that he is sent here to hear what they have to say.

Mr. GRAHAM. Then we have been misinformed. We were told that he was the spokesman. Tell him that and ask him who are the spokesmen.

Miss WARREN. There are two men appointed to speak before the committee. He says they are here now.

The delegation here presented to the committee the following correspondence and minutes:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Detroit, Minn., February 7, 1912.

Hon. J. M. GRAHAM,
Chairman Committee on Expenditures, House of Representatives.

SIR: The men who present this petition are representative Indians, and represent the Mississippi bands of the White Earth Reservation, the Gull Lake, the Otter Tail, the Mille Lac, and also there are representatives among them from the Leech Lake Reservation of Minnesota.

For your information I will state that when the word reached these Indians that your committee contemplated a visit to Minnesota some of the head men got together and decided to call a council of the real Indians of the White Earth Reservation. Runners were sent out and a council was called to meet at Pine Point on January 29 and 30, and notwithstanding the very severe weather that then prevailed, this council appears to have been well attended by the head men of the various bands mentioned.

For your further information permit me to state that I am personally acquainted with many of the men who appear before you and believe them to be reliable and representative men among the real Chippewa Indians, and I believe them entitled to the consideration of your committee.

Respectfully,

JOHN R. HOWARD,
Superintendent and Special Disbursing Agent.

COUNCIL HELD BY PINE POINT INDIANS.

PONSFORD, *January 29, 1912.*

We, the undersigned Indians of several different tribes of the White Earth Reservation, petition—

1. Mixed bloods that drew scrip shall be stricken off from the annuity rolls. The families are Beaulieu's and Fairbanks's, and also mixed bloods that are unlawfully on the rolls. No matter if the person is not living, we want his children to be stricken off from the annuity rolls.

2. There are some from Wisconsin and Turtle Mountains that are unlawfully on the rolls.

3. And we want our tribal money not to be paid to these parties above mentioned.

4. When we Indians are ready to call for our tribal money and then we want our money.

5. Whatever the mixed bloods have not sold, up to this date, I want that to be mine. I just want him to leave the reservation and have his coat on.

We, the undersigned Indians of several different tribes of the White Earth Reservation in Minnesota, demand that a delegate be elected to confer with Congress committees at Detroit, Minn.—chairman, Ish-gwa-gah-bow; interpreter, Frank Smith.

Resolution was passed that May-zhuck-ke-gwon-abe was elected as a delegate in favor of, 42 to 0.

Resolution was passed that Ab-bow-e-ge-shig was elected as a delegate in favor of, 42 to 0.

Resolution was passed that We-ne-se-se-mon was favored, 42 to 0.

Resolution was passed that Mah-gee-ge-shig was favored, 21 to 3.

Resolution was passed that George Walters was favored, 42 to 0.

ISH-GWA-GAH-BOW (thumb print).
JOE PEAKE, *Secretary.*

PONSFORD, MINN., *January 30, 1912.*

We the undersigned Indians of several different tribes of the White Earth Reservation in Minnesota demand that a delegate be elected to confer with Congress committees at Detroit, Minn. Chairman, Ish-gwa-gah-bow; interpreter, Frank Smith.

Resolution was passed that Joe Peake was elected as a delegate in favor of, 40 to 0.

Resolution was passed that Mosh-kin-a-aush was favored, 21 to 1.

Resolution was passed that Gay-dug-e-gwon-a-aush was favored, 19 to 0.

Resolution was passed that Wah-we-a-cumig was favored, 22 to 1.

Resolution was passed that Ish-gwa-gah-bow was favored, 39 to 0.

Resolution was passed that Frank Smith was favored, 29 to 1.

Resolution was passed that May-shuck-ke-ah-wind was elected as a delegate to confer with Congress committee in Detroit, Minn. He was favored, 22 to 3.

Approved.

JOHN R. HOWARD, *Superintendent.*

FEBRUARY 7, 1912.

Ah-kah-kah-shay-we-ne-ne (thumb print), Kah-ge-gay-ah-wund (thumb print), Be-dah-nah-quod (thumb print), Bay-ke-nah-wash (thumb print), Mosh-ke-nay-nish (thumb print), Ah-sin-ne-wah-kah-mig (thumb print), Ah-dah-be-ting (thumb print), Oh-gah-bay-ivi-say (thumb print), Geo. W. Smith (thumb print), Oh-be-quod (thumb print), May-kah-day-we-gwon-abe (thumb print), Eu-dah-so-gwon (thumb print), Nah-may-bin (thumb print), Et-de-bay-we-ne-ne (thumb print), Mash-kah-we-gah-bow (thumb print), Willie Bassita (thumb print), Charley Wadena (thumb print), Gah-ge-way-aush (thumb print), Frank Martin (thumb print), Tom Mason (thumb print), Edward Jackson (thumb print), Ah-bow-e-ge-shig (thumb print), Nah-she-kah-we-gah-bow (thumb print), Jack Peck (thumb print), Nah-wah-qwa-gah-bow (thumb print), Bay-ke-dub-e-tung (thumb print), May-zhuck-ke-gwa-abe (thumb print), Mah-gee-ge-shig (thumb print), Nis-ke-gwon (thumb print), I-ah-baince (thumb print), Oh-sah-wah-tay (thumb print), May-zhuck-ke-ah-wind (thumb print), John Bellanger (thumb print), Joe Peake (thumb print), Frank Smith (thumb print), Wash-say-ge-shig (thumb print), Silas Soldier (thumb print), Gah-ge-gah-nah-quod (thumb print), Gay-pah-gah-nah-quod (thumb print), Be-ko-gee-gah-be-mah-be (thumb print), Bay-bah-mah-gee-wabe (thumb print), A-ne-wah-kah-me-wabe (thumb print), Oh-gah-bay-ah-wund (thumb print), Day-dah-bah-shoush (thumb print), Wah-be-shaush (thumb print), Nah-sho-we-say (thumb print), Day-dug-gwa-bah-dung (thumb print), Me-ge-since (thumb print), Oh-be-sah-ne-ge-shig (thumb print), Bay-bah-oh-be (thumb print), Ne-be-day-ah-nah-quod (thumb print).

Mr. GRAHAM. Is it the desire of any of the interested parties here to have the interpreter or the orator sworn? The Chair does not wish it. Mr. Smith, will you inform the speaker that the committee is now ready to hear him and that you are to act as his interpreter? You may also say to him that he can speak without interruption, and that he may sit or stand, as he pleases, while he talks. Ask him to proceed with his statement.

Miss WARREN (interpreting). We have spokesmen here that ought to be heard, and I am sent here to listen to what they have to say.

Mr. GRAHAM. Then we have been misinformed. We were told that he was the spokesman. Tell him that, and ask him who are the spokesmen.

Mr. SMITH. There are two men who have been appointed to speak here before the committee—Jim Bassett and May-zhuc-e-gwon-a-be.

Mr. GRAHAM. Mr. Smith, will you explain to him that the committee understands he is to make a statement before us, and that we are now ready to listen to his statement?

MAY-ZHUC-E-GWON-A-BE stood before the committee, Miss Warren interpreting.

Mr. GRAHAM. Then, proceed.

Miss WARREN (interpreting). I am glad that there are a good many here to hear what I have to say, and I am going to use the truth direct. I am a delegate of the council that was held the 29th of January, and the proceeds of that council I have with me, and I am going to give the men that are from Washington the proceedings of that council. [Hands paper to Mr. Graham.] That is finished, and it is about my property. Four delegates are here. The Indian says that we are four on the reservation who are being paid annuities, and, as a full blood, we are just one, and I am talking about the people that are taking part of the things that belong to me, sharing the property, and now is the time when the Indian has said that he is going to talk about his money. And we don't wish to share with the outsider this money that belongs to the Indian, the mixed blood; that is what the Indian says. Of course, the Indian didn't see what was going to become of his property. At the time the Indian lived at Crow Wing the mixed bloods lived separate. I don't want to bring up the mixed bloods; they were separate from us then, and I don't want him to share with us any longer. A treaty that passed 42 years ago, which was for the benefit of the Indian, has been taken up by the mixed bloods, and that is enough in the way that we have repaid the mixed bloods. We have taught their children and we don't wish to continue this any longer. I am an Indian and I mean to say what should be done to our money, and that is what I tell my brothers who are here from Washington, and that is what the Indian said at his last council. There are four delegates here from that council, and I am leaving something for them to say. That is all I have to say. There are three others here.

Mr. BURCH. May I interpose just half a moment?

Mr. GRAHAM. In what way, Mr. Burch?

Mr. BURCH. He alludes to me, and I want to say just a word in return.

Mr. GRAHAM. If you do, Mr. Beaulieu can ask his questions, too.

Mr. BURCH. It is not a question at all.

Mr. GRAHAM. What is it?

Mr. BURCH. Merely assuring him that I have done as I agreed.

Mr. GRAHAM. Perhaps we can get you to respond to all the speeches when we have heard them. I think we should not interrupt now.

Mr. BURCH. Very well; but he alluded to me in his speech.

Mr. GRAHAM. Ask this next speaker to proceed.

AH-BOW-E-GE-SHIG stood before the committee, Miss Warren acting as interpreter.

Miss WARREN (interpreting). I want to tell you what you ought to hear, what I know of the conditions on the reservations where I live. At the council we held at Pine Point on the 29th of last month I was chosen to come here; I was told to meet the gentlemen who are here from Washington. To-day I meet them. There are four that are represented on the White Earth Reservation who are drawing annuities. [Indicating on his little finger that it represents the full bloods, one-quarter, and the three other parts I don't know who are.] That troubles the Indian, not knowing who the others are

that are sharing in his annuities, and they wish to separate from the mixed bloods, and that is the one thought of all of the Chippewa Indians. That was said at the council, and I repeat it here. Last winter, when I went to Washington, I said the same thing. Again, what troubles the Indian, I tell here. When the Indian sold his land there was whisky about the Indian's mouth, and therefore the Indian didn't know what he was doing, and that looks bad to me to think that I was under the influence of liquor and didn't know what I was doing, and it looks as if something had been done beforehand to bring about this condition; and I think I am telling you of the things that trouble the Indian. The Indian says that they like money that they own as a tribe, and the Indian does not like the standing of the land sales, as he was under the influence of liquor when he made them. There are others here representing the council, who have something to say to you, and so I "leave my pack," as the others have something to say.

Mr. GRAHAM. What is the meaning of "pack" in that sense?

Miss WARREN. As if he was carrying a burden.

Mr. GRAHAM. Who is the next?

Mr. BEAULIEU. He said, "I would like to know if the other faction is not going to speak here first before we do." He means the chiefs and the other men that are with him here.

Miss WARREN. "That are with Mr. Beaulieu down there."

Mr. GRAHAM. I know of no other persons who desire to be heard to-day. Are there any others who wish to be heard in opposition to these?

Miss WARREN. There are some other Indians here.

Mr. BEAULIEU. There are some back there.

Mr. GRAHAM. Well, if we are to devote the afternoon to oratory and debate, perhaps we ought to alternate. Will some one find out whether there are others who wish to be heard in opposition to these?

Mr. BEAULIEU. There are two that are going to speak.

Mr. GRAHAM. Let one of them be heard now.

Miss WARREN. Mr. Beaulieu wishes to interpret, and I stay to correct him in any misinterpretation, if any.

Mr. GRAHAM. Do you object to the lady acting?

Mr. BEAULIEU. No; but I think I can interpret a little better than she can. That is, I understand the Chippewa language better than she. She does pretty well. She interprets as well as she can.

WAIN-CHE-DUB, or JOE CRITT, stood before the committee, Mr. Gus H. Beaulieu interpreting.

Mr. BEAULIEU (interpreting). The reason that I have consented to speak here, I want to first tell to you. I used to be a chief at White Earth, and I used to be listened to by the whites whenever I spoke to them formerly. And I was the one that was consulted regarding the 160-acre clause in the treaty when Mr. Rice was here and made an agreement with the Chippewas, and also I asked about the improvements or what improvements would be necessary. I recognized that we had been there long enough upon the reservation so that we gave evidence that we could not break 160 acres of land. White men might possibly have done so, but we could not. Then I asked a commission, which consisted of three persons, to allow the Indians to take allotments of 160 acres without the requirements

of the treaty—that is, to break 40 acres of land. Then the commission spoke to each other—the commissioners—and after they had consulted they made their reply to me. And they said, "That is what will take place. It will not be necessary for the Indians to improve any land in order to get the amount of land they wish for," and that was the reason that they were also enabled to take allotments in the timber for firewood and other purposes. I will stop talking about the other matter, but I will say now that I am not a chief at the present time. It is on account of my treatment from the Indian agent, who does not recognize me as such. It is three years, now, since he ceased to listen to anything I say, and that is the reason we stand to one side. I am very glad that you have been placed in the positions to come out here and see that there are two factions among us; and the reason I am pleased, my friends, is because I think you will fix matters for us—you will remedy what is causing those two factions.

It has happened in the past where there were two factions—there have been two factions on the reservation in the past—and at those times persons have come from the East and talked with us and advised us and told us how to remedy the evils that were existing in those times. The reason I felt that I had a right to speak was on account of what I did. I was a farmer at one time, and I felt on account of the example I set at those times that I had a right to speak. When I was a farmer, in the spring I frequently went down to the mills or elsewhere and sold my produce—farm products—and paid all my bills. And the reason I did this was on account of the laws which were passed which directed that we should come up here and go into a new life. I thought at that time that I was setting a good example, and I thought that others would follow it. Now, that is the reason I speak to white folks as I do, and also because I worked in the South in the past. I put myself as a mark for rifle bullets while I was down South; and the reason that I think that I have done right in the past is because I still see the Stars and Stripes waving around the country. And it is on account of the work I did in the past and on account of going down South I am still living. I get a good living, and I am provided for. And that is the reason I think I have done right, and that I think in my work it has been for my benefit especially when I went down South. The reason I say this is because I heard that the agent said that I didn't amount to anything. What shall I do? Will I have to cut my head off first to show what my work has been in the past? This is the reason I am glad to speak to you, so that I may be able to tell you that I don't amount to anything on earth.

I want to just say a few words more; that is, that I would be very much pleased if you would do something which would have the two factions come together. Those of us who are called the Mississippi Indians were the ones who owned the White Earth Reservation.

Miss WARREN. "Came to the White Earth Reservation first."

Mr. BEAULIEU (interpreting). We were the first ones to live upon the White Earth Reservation. Then later on the Otter Tail Pillagers came in, those who have just spoken to you, and we let them in. It is true they paid us a little money for letting them in. This is all I am going to say at this time. I don't care about saying much. It

will probably be understood whether we have rights as annuitants or not. That is all.

MAH-GI-GE-SHIG stood before the committee, Miss Warren acting as interpreter.

Miss WARREN (interpreting). I will tell you it is already 45 years, I think, that I have lived on the White Earth Reservation. I am a full-blood Indian. At Gull Lake, at one side of the lake, lived the Indian, and on the other the mixed blood, which was on a reservation, and where the Indian lived at the old garden was a reservation, and that is where I started from, and to-day I will tell you how the situation looks, why I am poor here, and chief Hole-in-the-day promised that I would be well to do if I came to the reservation, and see what is done to me. Hole-in-the-day was going to Washington to strengthen that only the Indian should live on the reservation at White Earth, and only the one that was as poor as the Indian. Hole-in-the-day was going to lay the village at the Buffalo River where Ridgewood now is and when the mixed-blood residents across Gull Lake learned that Hole-in-the-day was going to Washington, it was then planned to take his life. They saw then that they would be poor if Hole-in-the-day was allowed to go to Washington and strengthen his plan, and when he was killed they filed from there to the reservation where it was intended that they be barred out, and that is one thing why I am poor. And another thing, this Mr. Rice brought to law. It was a suit, it was open then that any one could enter there on the reservation who wished to go, and we don't recognize any of them. They are even after the agent yet, trying to get on the rolls to this day, and this is how it looks. The Government has power, he sent you, or probably some others, here, and we lay this to you to take it and show it to our great father. And I want to talk about the four townships that were ceded, and about the large reservation left. The Indians didn't fully understand about the letting of these four townships on the large reservation. It was already large enough, the thing which we let Mr. Rice have, and also slicing off our reservation. And it is on account of the doubtful ones that I am poor to-day. And as an Indian I like Maj. Howard, he is a good man, and I like his clerks; they are doing right. That is what I say as an Indian and so do the chiefs that sit here. That is as much as I have to say to you.

KE-CHE-MAH-QUA, or JOSEPH BIGBEAR, stood before the committee, Mr. Beaulieu acting as interpreter.

Mr. BEAULIEU (interpreting). My friends, I wish to say a few words to you. I want to answer what has been said by these men who have just spoken to you. What they have said to-day is the first I have ever heard them say; that is, the opinions they have expressed. I never attended their councils. There are a great many of us who are known as the Mississippi Chippewas. I am a Mississippi Chippewa, and that is why I don't know what I have just heard them speak about. It is my ancestors who set aside the White Earth Reservation, that I am now occupying. And it was through the charity of my forefathers that the Otter Tails were taken in upon the reservation. And that is the reason I am displeased with what they say now, that they are going to throw out persons who belong

upon the reservation. That is what displeases me. I don't want to violate any law that has been made. It is the law that is carrying us through. This, my friends, is what I wish to say to you. I am not much of a speaker. I usually cut short what I have to say. I don't favor the proposition of a man whom I took in upon my reservation to come and say what he shall do with my reservation or with my affairs. This is the way I look upon him when I brought him onto my reservation; and that was to assist him to do whatever I wanted to do with the Government or whatever laws the Government pased with regard to us; but it has been his custom to kick hard against everything that I have ever tried to do. That is what can be pointed out as a reason for our poverty; that is what is doing this to us. If we were united upon any proposition that we made, then we would not be the way we are now. This is all I have to say. Probably there is something that I will be called upon to say while I am here. There are also men who are present here with me who will also speak.

PAY-KE-DUB-E-TUNG stood before the committee, Miss Warren acting as interpreter.

Miss WARREN (interpreting). It is not my wish that I am here to-day. At Ponsford was a council held by the Indians on the 29th of last month, and it was there that I was elected to come here. I am a Mississippi Indian, that is why. There are two factions; there are the mixed bloods, and I am as one with the Indians in thought; and the Pillagers sat with us in council. The mixed bloods have been done with long ago, and I don't care to go with him any longer. That is why there are two factions; and there are four of us; and as a full blood we are as one-quarter; and I want that the money that the Indian owns to be used only by the Indian. I, as an Indian, don't know that I do let go the four townships. And the Indian agent, he listens to me as an Indian; and if I go to the Indian agent, as it were, a mixed blood, I don't believe he would pay any attention to me. That is all I have to say to the gentlemen from Washington, showing them the trouble that I have. Joe Sha-bo-se-kong was my father. That is all I have to say, and I wish to shake hands with you.

Mr. BEAULIEU. Now, Mr. Chairman, I don't think it is fair or just to the mixed bloods to have a whole lot of these people to come here and say that they have no rights here without giving the mixed bloods an opportunity to answer what they have said. I don't want to answer it, but I think there are possibly some who do want to answer. If this is going into the record, something should be shown by the mixed bloods why they are wrong, because this man who has just spoken himself is a mixed blood, and that short man over there is a mixed blood.

Mr. GRAHAM. What do you desire to do about it. Do you want to be heard yourself?

Mr. BEAULIEU. Well, if nobody else does, I want to just state what our rights are as mixed bloods.

Mr. GRAHAM. You may do so if you will be reasonably brief about it.

Mr. BEAULIEU. I want to say just a few words. Mr. Bassett has spoken in opposition to the mixed bloods, and also two or three others, including Ah-bow-e-ge-shig. A large majority of those

mixed bloods that they ask to be put off the rolls are members of the Mississippi bands. The treaties, as far back as I can recall, all have a provision in them which provides that the mixed bloods who live with the Indians shall be regarded as Indians, with the same rights as the full bloods. As a result of that, a large number of those mixed-blood Indians came from Lake Superior when they had a division, and settled at Crow Wing, which was at that time a part of the Indian reservation, and they belonged to the Mississippi bands exclusively. There were no mixed bloods from Lake Superior among the other bands that I know of. Then they had an outbreak in 1862, in which all the mixed bloods took sides with the whites; that is, they became neutral and made an effort to suppress the outbreak among the Chippewas. They didn't take up arms against their own people, but tried to suppress the outbreak which was about to take place, and then the Government made another treaty with them; that is, the Mississippi bands, with Hole-in-the-day, and they set aside the White Earth Reservation; they ceded six reservations, which included the reservations in Crow Wing County at Mille Lac, at Sandy Lake—there were six reservations in all. In the first place, White Oak Point Reservation was on the list. They found that was not adapted to agricultural purposes, then they took a part of the White Oak Point Reservation off and ceded it to the Government and in lieu of that received the White Earth Reservation.

In the treaty of 1867 it was especially provided that the mixed bloods who shall remove with the people and live with them shall be considered as Chippewa Indians. In 1872 or 1873 the Otter Tails were without a home; they were living down at Otter Tail, and they came to White Earth and the Indian agent asked the Indians up there to bring them into the tribe; and among the persons who brought them into the tribe was my father and my uncle; they took the leading part in taking these Indians in. There was only $25,000 paid for permitting them to become part owners in the White Earth Reservation, and they had the same rights under that agreement that the Chippewas or Mississippis had, so far as taking up allotments of land; and in 1889 it was provided that they could be removed to the White Earth Reservation, but only a part of them moved there, including Bassett over there; he was a Leech Lake Indian, and the only right he was given on the White Earth Reservation was to take 8 acres of land. He didn't acquire any other right; he didn't acquire the right to say that I should be taken off the reservation. I opposed the cession of those four townships. They knew those four townships were going to be ceded. I was the only man, with a cousin of mine, who refused to sign the cession of those four townships. Now, he comes up and says he didn't know those four townships were going to be ceded, and we were four or five days trying to impress upon the Indians the fact that if they ceded that land there would not be sufficient land to allot to all the Indians that would come to White Earth. Now, I am placed here as a sort of defendant; the Indians that I have allowed to come upon our reservation say you must leave this reservation. In fact, they want to bite the hand that fed them. Now, we are the ones that allowed them to come in.

If we hadn't signed that treaty it would have failed—to permit the Otter Tails and all the other Indians to come onto the reservation—

because we had a large majority of half-breeds upon the reservation, and if they had refused to sign it would have been the cause of the defeat of the bill of 1889, and that is the reason I say they have no right to come up here and say we are going to put these people off the reservation. They have no rights there. They have no right to say that we have no right to participate in the annuities, because it was our fathers as well as their fathers that owned this reservation, and we were settled down in the eastern part of the State. It was our fathers as well as their fathers that made treaties with the United States. I can trace my ancestry back to the first treaty, and my forefathers' names appeared on the first treaty made with the United States in 1795, clear up to the last agreement in 1889. For that reason I say these people have no right to say to me, "You have no rights upon the reservation," because I have as much right as they have. My rights are the same as theirs. Because I have some white blood that does not deprive me of the right. Every tribe in the United States has people with white blood, and they have not stricken them out. There is but one man, that is the man that sits there [indicating] that has not tried to sell his land. I don't think he has ever sold his land, because he has always claimed he is a full blood; but the balance of these men have claimed that they have white blood, and every one of them has sold his land.

Mr. BURCH. May I speak a moment?

Mr. GRAHAM. Judge Burch.

Mr. BURCH. Mr. Chairman, it is not because I desire to indulge myself in oratory, but to make clear to this committee that which might otherwise seem mysterious and strange; and I don't wonder that it should. Entirely outside of the objects of this investigation, but still a proper subject for investigation if the committee should see fit to so regard it, is the claim made by a large number of the White Earth Indians. Irrespective of whether they are full bloods or mixed bloods, they have erroneously used the term "full blood" and "mixed blood"; but irrespective of that term there is a claim upon the part of a large number of these Indians of these various tribes that have been brought to the White Earth Reservation that interlopers or intruders, people who never belonged to the Mississippi tribe or that portion of the Lake Superior tribe which came within the confines or boundaries of Minnesota, have been put upon their rolls in spite of their protests; people who had enjoyed similar benefits.

Mr. BEAULIEU. Now, Mr. Chairman——

Mr. GRAHAM. Just a minute, you were not interrupted in your statement.

Mr. BEAULIEU. He says in spite of the protests. There were no protests.

Mr. BURCH. I say nothing of the kind. I say that is what they claim. I am only stating their claims. They say that people who are white people; they say that Indians who came from Michigan and Wisconsin have been erroneously from time to time, not only without right but against their protests made to the authorities at Washington, put upon these rolls to enjoy the participation in the tribal benefits, in the annuities, in the allotments, and if it should be divided yet to be participants in the funds that belong to the Indians.

They therefore have petitioned for an investigation, a purifying process, so to speak—a commission and authorization of some person by the Interior Department at Washington to take that up. Now, it is no part of the matter that we expected to be brought in before this committee, but these men here who claim to be of the Minnesota Indians are here protesting to your committee—which must be somewhat mysterious, possibly, to you—against these interlopers or intruders, and asking you now for your intervention in their behalf to purify this roll, something entirely foreign to anything that I have raised before this committee. Personally, the Department of Justice—and I want everybody to understand that—the Department of Justice and the Interior Department, as represented here, take no sides upon this question at all. They have heard from time to time the complaints of the people who claim themselves to be Minnesota Indians against these people whom they claim are not Minnesota Indians, but intruders, and we have presented the matter to the Secretary of the Interior at Washington, and he now has it under advisement, in fact has notified some of the people to go there or to take measures to show cause. Now, that is all there is to this. So far as we are concerned, it is as if one faction, as they term it, had come up and another faction had come up on the other side. We don't know which is correct. We are absolutely neutral between the two. We expect the Secretary of the Interior to investigate it, and it remains for you gentlemen to say whether you will take it up and make it any part of your investigation. I state no claim in favor of either, and we hold no brief on either side.

Mr. GRAHAM. The committee has been very indulgent with the gentlemen who have favored us by coming before us this afternoon and also by hearing from other interests. Perhaps it is well enough that the views of those gentlemen should go into the record, but it is the opinion of the committee that the matters which have been discussed this afternoon are entirely outside the jurisdiction of this committee, and unless some reason which has not yet appeared is shown to the committee, it is entirely unlikely that we shall go any further into that matter. We do not consider it any part of our duty at this time, and it is outside the purpose we had in view. As to the rights of the half-breeds or mixed bloods or full bloods, we don't expect to hear evidence or to make any attempt to determine them.

Mr. BEAULIEU. May I say just a word?

Mr. GRAHAM. You may.

Mr. BEAULIEU. Would it not be proper for this committee to hear evidence here in favor or against a proposition which it is intended shall be submitted to Congress to allow these mixed bloods to go into the Court of Claims and establish their rights? The intention is to get a bill before Congress so that we can go into it as a class, you might say—into the Court of Claims—and have the courts decide whether we are entitled to enrollment or not, or to be kept on the rolls, or whether the United States Indian agents, and, as it is claimed by the Interior Department, the Department of Justice can come out here and become opposed to us and then go down and recommend that we be stricken off the rolls?

Mr. BURCH. That is not true, Mr. Beaulieu. I disclaim that.

Mr. GRAHAM. Doing the very best that we can, it is going to be difficult to keep the investigation within reasonable lines. There are many things incidental in the investigation which will bring us outside the lines incidentally, but we would be doing ourselves and you injustice if we deliberately began taking testimony outside in a field where we are satisfied we have no jurisdiction. I think we ought to make a start, late as it is, with Maj. Howard, so that we would have no preliminaries to go through in the morning.

JOHN R. HOWARD, recalled:

Mr. GRAHAM. This witness appeared before the committee at Washington, was sworn, and testified on July 31, 1911, as shown at page 105 of the printed record. It is unnecessary, therefore, to swear him again. Proceed.

Mr. BEAULIEU. I wish to examine him with reference to his testimony given at Washington.

Mr. GRAHAM. Proceed. Be as brief as possible.

Examined by Mr. BEAULIEU:

Q. Maj. Howard, you stated at Washington, when asked by Mr. Burch regarding the differences at White Earth in the sale of lands, you stated, in substance, this (I am reading from page 106 of the record):

> I concluded that one of the best things I could do for those Indians would be to get them to farming, and with that in view I sent out notices that I wanted the Indians who desired to farm to send me their names and I would endeavor to assist them in getting a start. I have the list in my office yet of those who wanted to go to farming. After I came to investigate the list, however, I found that about 80 per cent of them didn't have any land, but had sold it or mortgaged it. I found that to be the condition generally.

Now, when did you send out those notices?—A. I started in very soon after I took charge, in May, 1908. I sent Mr. Porter to make a list of the people who desired to go to farming, and Mr. Porter and several others assisted me in making up that list. I think there were quite a number; perhaps 200.

Q. When was this?—A. This was when I first took charge, or soon after.

Mr. GEORGE. Is that the Rev. Mr. Porter?

The WITNESS. Yes; D. F. Porter.

Q. How many did you find that were willing to go to farming?—A. I found a good many of them who expressed a desire to do some farming, but I found, on taking it up further, that they did not own any land.

Q. Have you that list now in your office?—A. I haven't it here. I don't know whether I have retained it or not.

Q. Will you produce that list, if you have it in your office?—A. I don't know that I have retained it, but if I have, I will produce it with pleasure.

Q. Well, was not that an official paper?—A. No; it was just for my own information; a list that I had made for my own information.

Q. It was not a list sent up there in case you had a successor, so that he could have used it?—A. Well, I made up the list simply for my own information. It was not official. Let me explain further. My intention was to later make a recommendation asking authority from the department to expend money for the purpose of

breaking up about 5 acres for each family, but I never got that far with it, so it was not official.

Q. On page 107 you said:

Well, when they sold their lands they stopped farming and enjoyed the proceeds. In some cases it did not last very long. The mixed bloods handled their own funds, but the full bloods and minors didn't handle their funds. Their funds were held as individual Indian money, and there is quite an amount of that remaining to those; but the funds of those who handled their own money were soon dissipated in the majority of cases.

Now, what did you do with the funds of the Indians that you retained?—A. The individual Indian money that was turned over to me was in the Government depository—the First National Bank, at Detroit. Later, by direction of the department, that money was transferred to the First National Bank of St. Cloud, where it now is.

Q. You say that there was money for minors. How did they acquire it?—A. Well, I don't know that I have had a record of what that money was derived from. It was turned over as individual Indian money and credited on the books to the individuals.

Q. What use did you make of that money, if any?—A. Paid out to the Indians monthly, when authority was obtained, in small amounts.

Q. How did you get that authority?—A. Applied to the department on an application of an individual.

Q. Now, in making that application, did you simply sign your name, or did you have to make an affidavit of what use you wanted to make of that money?—A. An Indian, for instance, wanted to buy a team of horses to cost $200 or $300, as the case might be. He would come to me, and if I deemed it a proper expenditure I would recommend it. If I didn't so deem it I would not recommend it. That was the form used.

Q. Did you occasionally recommend the purchase of horses and turn the money over to the Indians instead of giving them horses?—A. I don't recall many horse deals. Those that I do recall were purchased or selected by the Indian himself. The check made payable to the Indian was sometimes turned over to the man who delivered the horses. I don't think there were very many horse deals—but very few.

Q. Do you know Peter King?—A. Yes.

Q. He was an Indian policeman, was he not?—A. Yes.

Q. Do you know Mrs. Be-wash?—A. Well, I don't recall. Perhaps I know her when I see her.

Q. Did you make an application to the department to authorize you to purchase a horse for Mrs. Be-wash?—A. Well, I would have to refer to the records for that. I don't know.

Q. Probably you would recall it in this way: She is a sister of William Hankes, of Pine Point.—A. I don't recall it.

Q. Do you recall that you received from the department authority to purchase the horse from King for this Mrs. Be-wash, and then you turned the money over to Peter King instead of buying that horse?—A. No, sir. Nothing of the kind ever occurred. If there was a check drawn, it was payable to this party, as I have explained. Here is the record; you can look it up.

Q. Didn't you send out that check to that woman to indorse, and didn't she send the check back and never receive the amount?—A.

She would have to indorse it before the man who sold the horse would accept it.

Q. Well, you sent her the check to indorse, did you not?—A. I don't recall this case at all. Here is the record. If the check was drawn, it is right here in the record.

Q. I will try to give the exact date.—A. If you can give us the date we can turn right to it.

Q. I will give you the exact date. Now, when you made the application for authority to purchase a horse for her, did you not have to make an affidavit on the back of it that it was for that particular purpose?—A. No, sir. It was certified.

Q. You certified that that was for that purpose?—A. Yes.

Q. And then you saw to it that she received that horse?—A. No; not always. As I say, the check would sometimes be given to the Indian to deliver when he got his horse, or whatever it was.

Q. We are supposing now that the check that you had delivered to the Indian, and the Indian had sent back to you and never received the horse or money either. Can you tell what became of that?—A. I can tell if that check was ever cashed, and who cashed it.

Q. You can produce the check?—A. I can not produce the check. No, sir; because that is in Washington; but we can obtain the record of the number and trace it.

Q. I will try and get the date. I guess that is all I can ask at this time.

The committee here adjourned until 9 a. m. February 8, 1912.

WHITE EARTH RESERVATION

No. 22

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 8, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

THURSDAY, FEBRUARY 8, 1912.

JOHN R. HOWARD, recalled:

Examined by Mr. GUS H. BEAULIEU:

Q. Maj. Howard, the person I referred to last night was Me-gone-gwance or Mrs. Be-wash. She is the one I am inquiring about.—A. Was that the Mrs. Be-wash that claims to have sold you some land for $400 and you only paid her $50? If it is, I remember her.

Q. Well, I don't know what she claims or what she says, but I never bought any lands from her. I am asking you the question.—A. What was the question?

Q. I asked you if you knew Me-gone-gwance or Mrs. Be-wash?—A. If that is the woman, I have seen her.

Q. If that is which woman?—A. The woman that made the charge that you only paid her $50, I think it was.

Q. She did make that statement?—A. Some woman of that name or some similar name—Mrs. Be-wash.

Q. Mrs. Be-wash made that statement, did she?—A. That is my recollection of it.

Q. Whom did she make the statement to?—A. Why, I think she did to me. I heard it, anyway, frequently. They come to me, and I don't recall the names.

Q. Well, now since you know who she is, will you produce the authority under which you made an application for a certain amount of money to be turned over to her to buy a horse?—A. Well, is it in the records?

Q. Well, have you not a copy of your application to authorize the——A. It is not here, Mr. West says. It is in the records at the office.

Q. Will you produce all the papers?—A. Why, I would have to go there to get them. I haven't them here, Mr. West says. They were not called for. I brought whatever you called for.

Mr. BURCH. Do you mean go to White Earth Agency or over to the office?

The WITNESS. To the White Earth Agency. Anyway, it is the usual form of application which I recommended, probably.

Q. While Maj. Howard is getting those books I would like to have you get some other papers, which I will ask for, which will show some of the transactions at White Earth. I have not got that list handy, but I want you to produce some books and other papers relating to White Earth matters.—A. Some that are not here?

Mr. GEORGE. You called for some books yesterday. Has he not brought them?

Mr. BEAULIEU. Well, he has not got them here.

The WITNESS. Everything is here that was called for.

Mr. GRAHAM. Put the list in writing, Mr. Beaulieu, please; that is the sure way.

Mr. BEAULIEU. Well, I will not proceed any further until we get those papers.

Mr. GEORGE. But, Mr. Beaulieu, you called for some books yesterday.

Mr. BEAULIEU. Yes: I called for some the other day, but I omitted some that I didn't know I would need.

Q. On page 110 of the committee's report you testified that Mr. Henderson had been authorized by the Commissioner of Indian Affairs to hold a council with the Indians for the purpose of arranging with them for a conference, to protect their interests in the swamp and coal lands. Was this the council which Mr. Burch refers to as "the caravan" or "spring-wagon" council?—A. Well, I guess you have not read the whole of it.

Q. I say that is in substance what you testified.—A. I think my testimony was all in the record, but I will repeat it. On Saturday afternoon, I can not give the date, Mr. Henderson came to my office with some printed notices for a council to be called of all the Chippewa Indians, to meet at White Earth on the following Thursday, four days later, for the purpose of taking action, as the notices stated, relative to the employment of himself as counsel for the Chippewa Indians. He handed me those notices and wanted me to approve them. I invited him to sit down. I said, "Mr. Henderson, I have a letter from the department here in reference to this matter, and that letter you may read. It says that you are authorized to hold a council on the Leech Lake, Cass Lake, and Lake Winnebegoshish Reservations, perhaps Red Lake; but White Earth is not included in that authority. Now, I understand from this, in view of the fact that the department are here looking over White Earth matters, that it was the intention of the department to hold a council here at this time for that purpose; but I will submit this matter to the department and if I am authorized to call this council I will do so with pleasure, after 30 days' notice; but no general council shall be called here without sufficient notice for the people to come here." Mr. Henderson replied that his duties in Washington would not allow him to remain on the reservation that time, and that if I would not call the council they would go to work and have it anyhow. This was on Saturday afternoon. The council was called for the following Thursday, if I remember, and it was held at George Berry's blacksmith shop—the first council.

Q. Was your objection to calling a council that you did not have instructions to do so from the department?—A. That was one, and the other was that the time was too limited, in my judgment, for a general council.

Q. Didn't Mr. Henderson immediately telegraph the Indian Office to give you the authority that he stated it had given him?—A. I don't recall it. I know that later I was asked by the Indian Department to call a council, if he requested it, and I sent him word to that effect, and he never requested it. He went around and held his councils independently.

Q. Did you not receive, on the following day, a telegram asking you to proceed with the council, from the Indian Office?—A. Well, I

don't remember, but the record will show if I did. I remember getting one——

Q. Well, were you not notified by a delegation or messenger that the council was being held at White Earth on the date that Mr. Henderson's notices stated it would be held?—A. Well, I don't recall that. I was notified of a later council, when they were electing delegates, if I remember. I think at the time Mr. Henderson held his council, I think I had been called out of town; I think I was at Beaulieu that day, but I am not certain.

Q. Were you not at your house on that day?—A. If I was in town I was.

Q. Well, you were not at Beaulieu, then?—A. If I was in town I was there.

Q. Were you not also notified that the council had adjourned its meeting to Mahnomen?—A. Well, I saw that in the Tomahawk or some one told me that, I don't know.

Q. Were you not notified in writing that the council had been adjourned to Mahnomen?—A. It may have been. The record is there if it is so. It is on file in the office if it was.

Q. Did you send a representative to Mahnomen to attend the council or did you attend yourself?—A. I didn't attend myself.

Q. Were you not again notified in writing that the meeting had been adjourned to Callaway?—A. Well, I don't recall it; perhaps so.

Q. And were you not also notified in that letter that the council had been adjourned to Flat Lake?—A. That I don't recall. I got the report of these various meetings later, and I have it here.

Q. You stated—well, I wish you would produce the report.—A. [Producing paper.] Yes; I have that notice notifying me as follows:

You are hereby notified—

This was dated August 29—

that the general council of the White Earth Bands of Chippewa Indians, belonging to the White Earth Agency, on the 18th instant reconvened at Mahnomen on the 20th instant and again at Callaway on the 23d instant, was adjourned to meet at Flat Lake on this reservation Monday evening, August 29.

This is marked as having been received at the White Earth Agency August 29 at 2.15 p. m., and, according to the notice, the council was then being held at Flat Lake that afternoon. This is signed by John Leecy, jr., the secretary.

Q. Have you the other notices there that were sent to you?—A. Yes; I have another one dated White Earth, August 18.

JOHN R. HOWARD,
Superintendent White Earth Agency.

SIR: We, the Indian chiefs of the White Earth Bands of the Chippewa Indians residing on the White Earth Reservation, will assemble in council for the purpose of transacting tribal business this afternoon at 4 p. m.

I don't know what hour that came to the office. It is signed, all by the same handwriting—several signatures—not by thumb marks.

Mr. GRAHAM. You say you do not recall the hour?

The WITNESS. Evidently I didn't receive it or I should have stamped it. Here is the agency stamp—the way I fix papers when I receive them. That may have been mailed to the office or it may have been brought.

Mr. BURCH. I would like to have the names, if possible, of those signers read.

Mr. BEAULIEU. I just want to examine it. I would like to have these notices as they come, in order.

The WITNESS. This purports to have been signed by May-zhuc-e-ge-shig, his mark; Wain-che-mah-dub, his mark; Wah-wah-yea-cumig, his mark; Ta-cumig-ke-shig, his mark; Omn-ke-kuck-weence, his mark; Owah-ge-a-quab-he-shig, his mark; Wah-bah-ne-quay, his mark; and Joseph Perrault. I think that is Mr. Pearrault's own signature.

Mr. GEORGE. It is all in one handwriting, isn't it?

Mr. WEST. This is the first notice.

Mr. BEAULIEU. If you will read the notice now about the adjournment to Mahnomen.

A. The first one of the 18th has been read. Now, the next one, is August 20. That is not agency stamped. I don't know what hour it was received:

You are hereby notified that the general council which was appointed at this place on the 18th of this month—

This is dated White Earth, August 20—

has been adjourned until this evening to Mahnomen on this reservation. The officers of the council will leave Ogema on the train going to Mahnomen at 5.30 p. m., and the council will open at the Mahnomen Hall, at Mahnomen, at 8 p. m. to-day.

This is signed by David Knickerbocker, his thumb mark, in presence of Julius Brown, interpreter, and John Leecy, secretary.

Mr. GRAHAM. Do you want the other ones?

Mr. BEAULIEU. Just read the other ones.

The WITNESS. This has the agency stamp, and was received at 3.50 p. m., dated August 23, in typewriting:

You are hereby notified that the council which convened here on last Thursday, the 18th, was adjourned from Mahnomen last Saturday to Callaway, to be opened there at 8 p. m. to-day.

Respectfully, JOHN LEECY, Jr.

This was received at 3.50 p. m., according to this record, on the date it was called to meet at Mahnomen, 20 miles away.

Q. Maj. Howard, did you not have ample time to attend the council at Mahnomen after receiving the notice?—A. Not according to that.

Q. This is in pencil mark: "Received at 2.15 p. m.," and the train leaves at 5.30 p. m. How far is it from White Earth to Ogema?—A. Five miles.

Q. And what time do the busses usually leave White Earth to go out there?—A. About 4 o'clock.

Q. Not at that time; 4 o'clock now.—A. Well, I can not say.

Q. Well, could you not have had time to have gone over to the train from, say, 3 o'clock to 5.30?—A. If I hadn't had anything else to detain me. My recollection is that I was having a hearing that day to determine heirs.

Q. Can you name the hearing?—A. No: I can not. Not from recollection. This is only my recollection. I know there was something that I was very busy about, and I was home at the time.

Q. You recall that you were having a hearing that day? If you recall that, can't you recall the persons?—A. No; we have them quite often and I can not carry them all in my head. I know there was something I was busy about, and I was there in the office. I recall that.

Q. Well, now, the council was held on the 18th at White Earth. Could you not have sent a representative if you didn't intend yourself to attend the council?—A. I suppose so; but I didn't recognize it as a general council.

Q. As a matter of fact, that is the reason you refused to attend any of the councils?—A. Because I didn't recognize them as general councils representing the Indians.

Q. But you got due notice?—A. Well, that is the notice that I gave you there.

Q. Who is May-zhuc-e-gé-shig?—A. Well, that may be the old chief.

Q. He is recognized as one of the principal chiefs, is he not?—A. If that is him; yes.

Q. Who is Wain-che-mah-dub?—A. Well, that is Joe Critt.

Q. Who is Wah-wah-yea-cumig?—A. He is chief of the Mille Lacs.

Q. He is the head chief of the Mille Lacs?—A. Well, he claimed to be chief. I don't know. They are not recognized, any of them, as chiefs by the department.

Q. I know that; but he was, prior to 1889, the head chief of the Mille Lacs. Who is Ta-cumig-ke-shig?—A. What is his English name? He has one, I believe.

Q. He has none, I believe.—A. I don't seem to locate him, but I might if I saw him.

Q. He is a tall man, and lives near White Earth Lake; an old man.—A. He is related to—Lufkins's father-in-law? Oh, I know that fellow. He lives at White Earth; an old Indian.

Q. Well, he was one of the old chiefs, wasn't he?—A. No; he is not called a chief, as far as I know.

Q. Well, he was carried on the pay rolls prior to 1889 as a chief. Who is Omn-ke-kuck-weence? Father of Rev. Winfield Smith?—A. Father-in-law, isn't he?

Q. No; father of Rev. Winfield Smith. You don't know whether he is a chief or not?—A. No; I never have heard him call chief.

Q. Do you know Owah-ge-a-quab-he-shig?—A. Perhaps I do when I see him.

Q. He is a chief of the removal Mississippi Indians, White Oak Point Indians.—A. Where does he live?

Q. I don't know that. He lives at White Earth, somewhere on the Reservation. Do you know Wah-bah-ne-quay, or John Badboy?—A. Yes.

Q. Is he recognized as a Gull Lake chief?—A. I can not say.

Q. I am only speaking of those who were recognized as chiefs prior to the act of 1889.—A. I never heard that he was chief. He was a policeman at the agency.

Q. Do you know Joseph Beaulieu?—A. Yes.

Q. He is known as a head man of the Seminole Bands?—A. Well, he is pretty prominent among them. Always has been, I think.

Q. Will you read that name [indicating]?—A. "Witnesses to mark, John Leecy, jr., and Julius Brown."

Q. Now, is the mark—the writing here of Julius Brown—similar to that writing there giving the names of the chiefs?—A. No; I don't think so. There are several very marked differences in his signature and in the signature here. For instance, the letter "s" is different

here. The down stroke on the "u" is different. The "J" is different. There are several things. He may have written it, but I would not identify it as his writing. It looks more like Beaulieu's writing.

Q. I will introduce Mr. Brown.—A. I am not an expert on penmanship.

Q. You stated also, Maj. Howard, that there were 48 persons who attended the council.—A. Which council?

Q. The Henderson council.—A. At White Earth?

Q. At White Earth.—A. My recollection is that that statement was derived from the official copy of the council that was brought to me. If I am mistaken, I will correct it now. [Witness examines papers.] This is the record:

The chairman then called for a vote on the resolution; the secretary counted the ayes and noes, and reported 48 yeas and 2 noes.

Now this is the original and this is the copy [indicating].

Q. There were 48?—A. Forty-eight ayes and two noes. That is official.

Q. That is all right. Now, you stated that there were 24 who attended the council at Mahnomen and voted. How did you get that information?—A. My recollection is that that was from a report that was sent me by an Indian who was present. I think I had a letter. It may be that is here, too.

Q. Who was the Indian? Can you name him before you proceed?—A. The report doesn't give the number of votes. My recollection is that I got that in a letter.

Q. Who from?—A. William Lufkins, who was present and whose name appears here.

Q. Did he state how many voted there?—A. He stated, if I recollect it, the number who were present and voted. That does not appear here [referring to letter].

Q. Doesn't he state how many voted against the proposition, if any?—A. I don't recall it. My recollection is he stated there were 24.

Q. You stated in your testimony at Washington, as follows: "I have a report of that council, and there were 24 present and voting." So you didn't, as a matter of fact, have a report of that council?—A. That letter I spoke of was the report I received.

Q. That letter was the report?—A. I have the report of the council. Here it is, and I had information that there were 24 present and voting if I so testified.

Q. Have you that letter?—A. I have not got it.

Mr. GEORGE. Where was it that was, at Mahnomen?

The WITNESS. Wait a moment, perhaps I have it. [Witness examines papers.] No; I don't find it.

Q. Let me look at the notices. [Witness hands Mr. Beaulieu papers.] You stated in your examination at Washington that you had a list furnished you of the Indians who were present; all of the mixed bloods except three; I mean the council at White Earth?—A. I think I did.

Q. And out of the 48 persons who were present, only 3 were full bloods?—A. I think you dispute their being full bloods.

Q. I am asking you; it makes no difference how?—A. One of them was William Potter, and one of them is Big Bear, if I recall it. Those are the names given there; I don't recall it.

Q. You ought to recall just 3 persons out of 48?—A. Well, I don't think I can; I remember those two.

Q. Do you recall May-zhuz-e-ke-ge-shig, a mixed blood?—A. No.

Q. Do you recall Tay-cumig-ge-shig?—A. Well, it is a question.

Q. Do you recall Omn-ke-kuck-weence, Winfield Smith's father?—A. I don't recall; I don't know.

Q. Do you know whether John Badboy is a full blood or mixed blood. A. I don't know what he claims to be.

Q. You do not know whether he is a mixed or full blood?—A. No; not of my own knowledge.

Q. Besides those you have named there are about four persons here that you don't know whether they are mixed or full bloods?—A. John Badboy is an agency policeman, and I don't know what he claims to be.

Q. Are not the persons I named all reported as full bloods on the Hinton roll?—A. The records will have to show that; I don't know.

Q. Were you not merely guessing, Major, when you said there were only three full bloods present?—A. Well, from my information and belief I endeavored to make it accurate for the information of the department, as I always do any official communication.

Q. It was not accurate, was it?—A. I think it was.

Q. You still insist that there were only three persons?—A. If I so stated at that time, I think I have reason for it.

Q. Well, if you had the list of names, as you stated there, you could produce it, couldn't you?—A. I don't know who was at that council that brought me those names. I can't recall it now.

Q. Well, you have a list, have you not, of those names?—A. No; not of those names.

Q. Well, you kept all the other papers, why didn't you keep that?—A. No; I have not kept all the other papers; I only kept those that had an official bearing.

Q. Would not that have an official bearing as long as you testified to it?—A. My letter or report would, but not the slips containing the information on which I based my opinion.

Q. You found that of sufficient importance to base your opinion on it, and to testify before the committee to that effect?—A. Yes.

Q. It seems to me it would have been of sufficient importance to have been kept as a record.—(No answer.)

Q. You stated, Maj. Howard, that the Indians should call their councils through the Indian agent.—A. General councils; I was informed that was the custom.

Q. Do you not know that, as a matter of fact, the Indians deny the right of the Government, or the Indian agent, to interfere with their councils?—A. I have called two general councils since I have been there. Both of them have been called at the request of the leading Indians. I haven't attended many of those councils; I don't recall any.

Q. It was the first council you called?—A. It was a council at which D. B. Henderson wanted to be reemployed—or Richardson; I think that was in June, 1908—that was called during the celebration, June 16.

Q. Was not that in June, 1909?—A. Well, that may be right; it was during the celebration.

Q. And was that the request of the Indians?—A. Yes.

Q. You had no other reason for wanting that council?—A. Yes; there were lots of matters we wanted to be considered. As you now call my attention to it, there was a large number of applications for enrollment that I wanted the council to dispose of. That is one thing that I recall, and there may have been others.

Q. Were not those matters that you wished to dispose of—with regard to the allotments, I believe—the primary object of the calling of the council?—A. No; it was to people that wanted to be enrolled. They had applications to be submitted to the council for enrollment; there was a large number of them. That was one thing that came up at that council, if I remember.

Q. Didn't the department instruct you to call that council for that purpose?—A. Perhaps so; the records will show.

Q. Did they instruct you to call Mr. Richardson's council at that time?—A. No.

Q. Have you the records here of that council?—A. My recollection of that is that a report of that council was submitted to me and I sent it to Washington. I don't think I have a copy of it. Well, here is what reports we have. [Witness hands paper to chairman.] It is dated August 18, 1910.

Mr. BEAULIEU. The reason I want that is that it involves about a million and a half of tribal property and the Indians have not been represented in the matter before the department.

Mr. GRAHAM. In connection with this I think that the call for it ought to be in. How can August 29 be a call for the meeting of August 18?

Mr. GEORGE. This call was issued on the 18th—meeting on the 18th.

Mr. BEAULIEU. No; there was a prior call; I don't know where it is; I don't know why it is not on the record.

The WITNESS. I have not got it. It was published in the Tomahawk; I saw it.

Mr. BURCH. Here is the report of Maj. Howard to the department about this series of occurrences that we shall offer to the committee at the proper season [handing paper to the chairman].

Mr. GRAHAM. It would be very desirable if all these could go in in consecutive or chronological order.

Mr. BURCH. I would be delighted—I don't want to interrupt Mr. Beaulieu, but I will be delighted if the committee will so direct.

Mr. GRAHAM. Mr. Beaulieu, do you desire to look at this? It is dated August 16.

Mr. Graham then read into the record the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., August 16, 1910.

Hon. R. G. VALENTINE,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. VALENTINE: I have the honor to acknowledge receipt of your office letter of July 6, with which there was inclosed a copy of a communication addressed by the honorable Secretary of the Interior to Daniel B. Henderson, Washington, under date of July 1, advising him that authority had been granted for his holding council with the several tribes and bands of Chippewa Indians on the reservations in the State of Minnesota where the question of the right to swamp lands is involved, for the purpose of negotiating contracts with them in accordance with sections 2103 to 2106 of the Revised Statutes of the United States to represent them as counsel in their claims to the swamp lands. In this last-mentioned letter Leech Lake, Cass Lake, and Lake Winni-

bigoshish Reservaions are mentioned, but no mention is made of the White Earth Reservation. It is therefore not clear to me whether the honorable Secretary of the Interior intended to grant authority to Mr. Henderson to negotiate with the Indians of the White Earth Reservation, and I have the honor to request advice on this point.

On August 5 Mr. Henderson wrote me from St. Paul, stating that he had been advised that a council of the White Earth Indians had been called for the next Monday, which was August 8, at this agency, and in which he requested me to wire, at his expense, whether at this council it would be a proper occasion to take up and discuss with the White Earth Indians the swamp and school land matters, of which the department wrote to me under date of July 6. Agreeable with this request, I wired Mr. Henderson on August 6 to the effect that no council had been called. I wrote him on the same day, advising him that while no council had been called a few Indians had been invited to this agency at the instance of representatives of the Department of Justice, who are making investigation of land matters on this reservation, for the purpose of meeting these representatives and having a friendly visit with them, the object being to establish and cultivate a friendly relation with them. A copy of this letter is inclosed herewith for your information.

On August 9 Mr. Henderson appeared at this agency, and on August 13, at about 3 o'clock in the afternoon, he appeared at my office and handed me a communication, which I am also inclosing for your information. In this communication he states that he had been requested by a dozen or more of the tribe to ask me to call a council of the Indians of this reservation for Thursday, August 18, at 3 o'clock in the afternoon, to consider his employment as attorney. There was attached to his letter a form of notice which he proposed to have printed and to distribute among the Indians. The notice is also inclosed, and I wish to call your particular attention to the wording of the same, which is as follows:

"The purpose of the council is to discuss and pass upon the question of employing Daniel B. Henderson, of Washington, D. C., to represent the Indians of this reservation and (incidentally) to act as their attorney in the matter of school and swamp land interests of the Chippewas within their reservations in the State of Minnesota."

In case it was the intention of the Secretary to grant authority for the holding of the council on this reservation, it is not my understanding that Mr. Henderson's employment shall be for general purposes, but for the specific purpose of representing Indians in the matter of their claim to swamp lands. On this point I shall be glad to have an expression from your office.

At that time I stated to Mr. Henderson that the meaning of the Secretary as to whether or not he was authorized to negotiate with the Indians of the White Earth Reservation was not clear to me, but that I would take the matter up with your office, and in case it was the intention of the Secretary to permit him to negotiate a contract with the White Earth Indians I would be glad to call a council at any time which would best suit his convenience, but that it would be necessary to give at least 30 days' notice of such meeting in order that all Indians interested might have an opportunity to participate in the same. The Indians of this reservation are scattered over 32 townships. They are remote from railroads and post offices, and this length of time will be absolutely required to get notice to all parties concerned.

It will be observed that the council proposed by Mr. Henderson was to be held on practically three days' notice, as at the time this letter was brought to my office it was then too late to get the notices into the Saturday mail, and there is no outgoing mail from Saturday night until Monday morning, and mail going north could not have left until Monday night, which would leave only two days to get word to Indians living north of this agency. I declined, of course, to authorize the holding of this council on such short notice.

In this connection I beg to state that Mr. Henderson is associated in the minds of the people of this reservation with Gus H. Beaulieu and a "clique" of mixed bloods who have been engaged since the passage of the so-called "Clapp amendment" in fleecing the Indians of their allotments. It is the general belief, and my personal, that Mr. Henderson has been acting as the personal attorney of this Gus H. Beaulieu, and this move to have him made tribal attorney was no doubt instigated by and on the behalf of these land sharks. As you already know, the Department of Justice, through Hon. E. H. Long, have been investigating land matters on this reservation for several months past, and they have been embarrassed by this same "clique" in every

way possible. It is my belief that should Mr. Henderson be appointed tribal attorney he will devote his time and energy to the interests of the parties above mentioned, and that the same will be detrimental in the extreme to the interests of the tribe in general. In order that you may know the reason of my belief that Gus H. Beaulieu and D. B. Henderson are associated, I wish respectfully to invite your attention to a communication addressed to your office by Henderson under date of April 9 relative to the claim which C. E. Richardson, who was then tribal attorney for the White Earth bands of Indians, presented, amounting to $150 for services of persons engaged by Gus H. Beaulieu and claimed to be for the benefit of the tribe. This claim was last submitted with Henderson's letter under date of April 28, full report of which went forward on August 3. (References: 54290–1909, 7735–1910, 9998–1910, 1657–1910, C1–200, 750, HRD.) Again, on July 15, 1910, Henderson addressed your office on behalf of the Chippewa State Bank of White Earth, Minn., of which Gus H. Beaulieu is president and in full control, requesting that that bank be made a depository for individual Indian moneys under the jurisdiction of this agency. The same was referred to me under July 22 for report, but such report has not yet been made, as all of the facts which I wish to present are not yet in my hands. (Land contracts 57857–1910, EAF.)

It is a well-known fact that Mr. C. E. Richardson, mentioned above, was not an able attorney, and it has been understood and is generally believed that D. B. Henderson and C. E. Richardson maintained a relation of partnership during the latter's employment as tribal attorney for the White Earth bands of Chippewas. At the time Mr. Richardson made his last effort to have his contract with the Chippewa Indians renewed for another period Mr. Henderson was at this agency and openly used his influence to further the interests of Mr. Richardson. It is a well-known and undisputed fact that Mr. Richardson employed his time while he was tribal attorney in furthering the interests of Gus H. Beaulieu and the faction mentioned above. As to the character of this Gus H. Beaulieu nothing that I might say would aid in giving your office a better idea of the same than it should have from correspondence already on file.

I am writing you thus fully in order that you may have the benefit of my knowledge of local conditions and the conclusions which I am compelled to draw from my observations, and it is on the advice of Special Agent Hinton and Special Assistant Attorney General E. H. Long that I do so. On the 14th instant, after a conference with these gentlemen, the following message was forwarded to you in cipher:

"Referring to your letter of July 6 relative to proposed contract for employment of D. B. Henderson: Judging from what I hear, there are objections being made by Indians, based on the belief that he is associated with Gus H. Beaulieu in order to defraud. Henderson would have a meeting held August 18. Date named too soon. It is necessary to advertise a meeting of Chippewas 30 days. Letter follows.

"HOWARD.

"Approved.

"LONG.
"HINTON."

If there is any further action which should be taken by me in the premises, please advise.

Very respectfully, JOHN R. HOWARD, *Superintendent.*

Mr. BEAULIEU. I would be glad to have this go in also.

Mr. Graham then read into the record the following correspondence:

LAW OFFICES DANIEL B. HENDERSON,
EVANS BUILDING,
Washington, August 5, 1910.

JOHN R. HOWARD, Esq.,
Superintendent White Earth School, White Earth, Minn.

DEAR SIR: I am advised that a council of the White Earth Indians has been called for next Monday at your agency.

Will you kindly wire me, at my expense, care Hotel Ryan, St. Paul, Minn., whether at this council it would be a proper occasion to take up and discuss with the White Earth Indians the swamp and school land matters of which the [illegible]artment wrote you under date of July 6, 1910.

Very respectfully, DANL. B. HENDERSON

WHITE EARTH, MINN., *August 13, 1910.*

JOHN R. HOWARD, Esq.,
Superintendent and Special Disbursing Agent, White Earth, Minn.

DEAR SIR: As you have been advised through departmental letter of July 6, 1910, I am authorized by the Secretary of the Interior to hold council with the Chippewa Indians of this reservation for the purpose of negotiating a contract with them, if they so desire, in regard to their school and swamp land interests within the reservations of this State.

Having communicated the facts to such of the members of the reservation as I met upon my arrival here some days ago, I was requested yesterday by a dozen or more of the prominent men of the tribe to ask you to call a council of the Indians of this reservation for Thursday, August 18, 1910, at 3 o'clock in the afternoon, for the aforesaid purpose.

If the inclosed form of notice meets with your approval, I shall have it printed and distributed, not to supersede but to supplement the notices that you issue from your office, my purpose being to make the notice as general as possible.

Very respectfully, DANL. B. HENDERSON.

NOTICE OF COUNCIL MEETING.

There will be a general council of the Chippewa Indians residing on the White Earth Reservation held at the White Earth Agency on Thursday, August 18, 1910, at 3 o'clock in the afternoon.

This council is called under authority from the Secretary of the Interior.

The purpose of the council is to discuss and pass upon the question of employing Daniel B. Henderson, of Washington, D. C., to represent the Indians of this reservation and to act as their attorney in the matter of the school and swamp land interests of the Chippewas within their reservations in the State of Minnesota.

(Not signed) JOHN R. HOWARD,
Superintendent and Special Disbursing Agent.

Mr. GRAHAM. At the request of Mr. Beaulieu, read into the record the following minutes of council meetings:

Minutes of the proceedings of a council of the White Earth Bands of Chippewa Indians held at the White Earth Agency on the White Earth Reservation, in the State of Minnesota, Thursday, August 18, 1910.

A council of the White Earth Bands of Chippewa Indians residing on the White Earth Reservation, in the State of Minnesota, was held at the White Earth Agency, on said reservation, on Thursday, the 18th day of August, 1910, at 3 o'clock p. m., notice of the meeting of the council having been given in accordance with tribal custom.

The council was organized by the election of David B. Knickerbocker as chairman, John Leecy, jr., secretary, and Julius H. Brown, interpreter.

The meeting was then stated to be for the purpose of discussing the interest of the White Earth Bands in the school and swamp lands within the Chippewa reservations in the State of Minnesota and the employment of an attorney to represent the said bands in the premises and to protect and enforce their rights in and to the said property and interests.

The following-named chiefs were present: May-shuck-ke-ge-shig, Wain-che-mah-dub, Wah-weyea-cum-ig, Day-cum-e-ge-shig, Mah-je-ge-shig, Wah-bah-ne-quay, O-much-ke-keence, Joseph Perrault, O-wah-yea-quah-ke-shig, and Bed-de-gonce.

Before proceeding with the business of the council a notice in writing, signed by eight of the chiefs present, was sent to Supt. John R. Howard, informing him that the Indians of the White Earth Reservation were assembled in council and inviting him to come, or have a representative present, to hear and take part in the proceedings, but the messenger who delivered the notice reported that the same was delivered to William Daily, the clerk in charge of the agency office.

O-muck-ke-keence thereupon addressed the council briefly, stating that he was glad to find that the chiefs and herdmen of the reservation, accustomed to meet and transact tribal business, were present to-day, and that the matter about which they had assembled to hold this council he regarded to be a very impor-

tant one, and that the council ought to agree upon a unanimous course at this meeting.

May-shuck-ke-ge-shig then addressed the council, reciting the fact that on his last visit to Washington he had taken up the subject of the swamp-land matters with the Commissioner of Indian Affairs, who informed him that the question was still unsettled between the State of Minnesota and the Government, and that he had afterwards learned that the matter was settled by the patenting of the swamp lands to the State of Minnesota, but since, he was informed that there was a chance for the Indians to save their interests in swamp lands, and he was in favor of taking this subject up and discussing it in the council.

On motion of one of the chiefs present Mr. Henderson was called upon to make a statement to the council with regard to the swamp-land situation on the Minnesota reservations. Mr. Henderson, in response, addressed the meeting and explained how the conflict of rights between the Indians and the State arose over the school and swamp lands within reservation lands. He told the council of the negotiations he had recently conducted with the Chippewa Indians residing on the several Wisconsin reservations, and informed the council that he was conducting these negotiations with the consent of the Secretary of the Interior and the Commissioner of Indian Affairs, who had advised the superintendent at the White Earth Agency of the authority given in this matter, and had requested Maj. Howard to permit a council to be held on this reservation for the purpose of conducting such negotiations here.

Joe Critt, one of the White Earth chiefs, thereupon arose and addressed the council at considerable length. He said that he came to this council knowing that the subject which they would consider was a very important matter of business; that it was something affecting all the people; and that he had come to talk business and not to preach; he said he understood the question, that he had considered it well before coming to this council, and had tried to learn what was involved; that it was important for the Indians on this reservation to have an attorney employed to attend to their interests in these matters; and that he was in favor of employing Mr. Henderson for this business.

Ge-mah-qua was the next speaker. He said, "I am not a chief, but I will address my words to the young men of this reservation who are present at the council. There is a man present talking about the business (referring to Gah-be-dain), a man from the Gull Lake settlement. He is always opposed to everything we try to do for the benefit of the Indians of this reservation. I asked him to-day to join us and act in harmony with us for some good at this council and to work for the general interest in these matters; that we ought to act as one man instead of dividing up in two factions."

Nes-ke-gwon, a member of the Mille Lac Band, arose and said he was in favor of leaving this matter with the chiefs, and that he thought all the chiefs ought to be present and join in the discussion of this matter; but he preferred to leave such discussion to the chiefs.

George Walters addressed the council, and said that he thought a notice of 15 or 30 days ought to be given before a council was held. He had been to Washington with May-zhuck-ke-ge-shig and the rest of the delegation, and had talked with the Secretary about the swamp-land matters, and that the Secretary had told him that the Indians would have to agree among themselves if they wanted to take action on such matters; that he was there with Charles Wright, and that they had spoken to the other branch of the delegation, but had reached no agreement with them. That he heard that there was a suit begun for the swamp lands by Mr. Richardson, and that the matter was afterwards settled. He did not see why there was any interest to the Indians to take any further steps in this business. He then stated that these views were only his individual views; he expected all the people present to act in their own way, and that he was not telling them that they should not make a contract, but to do as they saw fit, and that he would do what he thought right himself and leave the others to do as they pleased about making a contract or not.

Day-cum-me-ge-shig was the next speaker. He arose and said he had listened carefully to the speeches that had been made and that he had thought over the matter for which the council was called; that he had heard a good deal of discussion from the members who spoke ahead of him about these matters regarding the school and swamp lands; and he thought that the council ought to attend to this matter finally to-day. He said he thought the members of the council ought to settle this swamp-land matter at once, because it was very important; also, that he knew Mr. Henderson; he had met him at Washington; he knew that he had been working for the Indians a good many years

and believed he would be the right man for the White Earth Indians to help them in these matters at Washington, because they could not attend to the business for themselves and they needed an attorney.

Bud-de-gonce, one of the chiefs, was the next to speak. He excused himself for coming late to the council, and said he was sorry that he did not hear all those that had spoken before him. He then asked that the copy of the department's letter written to the superintendent at the White Earth Agency regarding authority being given to Mr. Henderson be read. A copy of the letter was then read by the Rev. J. Johnston, the pastor in charge of the Episcopal Church at the White Earth Agency. Bud-de-gonce spoke again, and said it was clear to him that the Indians needed to employ an attorney in this matter, and that he himself was ready to act to back up the wishes of the chiefs who are present in this council in what they did.

Ayn-dees, a member of the Gull Lake Band, was present and spoke briefly, saying that his chief was absent from the council and he would not vote on making a contract with the attorney, but if his chief were present and favored it, he would vote with him.

John Johnson (or Windego) was the next speaker. He addressed the Indians and said that he thought the matter was plain now to everyone; he had heard the numerous speeches and that everyone was prepared to vote "yea" or "no" whether they thought it was best to employ an attorney or not; and he suggested that a vote be taken on the subject.

John Bad Boy, a chief of the Gull Lake Band, addressed the council, and said he was in favor of employing an attorney, and that he thought a vote should be taken on the subject at once.

Thereupon the following resolution was read, interpreted, discussed, and fully explained to the council:

Resolved, That the White Earth Bands of Chippewa Indians in the State of Minnesota, residing on the White Earth Reservation in the said State, in council assembled, do hereby retain, engage, and employ Daniel B. Henderson, of the city of Washington, District of Columbia, as counsel and attorney for them in all matters relating to the interests of said bands in the lands commonly known as school and swamp lands lying within any of the Chippewa Reservations in the State of Minnesota, and all their rights pertaining to, or growing out of, the same; and that Julius Brown be, and he hereby is, appointed, authorized, and directed to proceed at once to make, and enter into, a contract in writing with the said Daniel B. Henderson, and to execute and acknowledge the same on behalf of the said bands, employing him and agreeing to pay him as compensation for his services a sum equal to 10 per cent of the value of whatever may be recovered or preserved for them out of said swamp or school lands or the rights appertaining thereto, together with his necessary or reasonable expenses incurred in the premises, all such compensation to be contingent upon successful prosecution, enforcement, or establishment of their rights in the property, except that there may be paid unto the said Daniel B. Henderson an annual retainer of $5,000 for a period of three years by such of the bands of Chippewas in the State of Minnesota as employ him to represent them in their school and swamp land matters, the time of payment and the proportionate amount of such retainer which each band shall contribute to be determined and allowed by the Secretary of the Interior and the Commissioner of Indian Affairs, from time to time, as payment becomes due under the terms of such contract.

The chairman then called for a vote on the resolution.

The secretary counted the ayes and noes; and reported 48 yeas and 2 noes.

Whereupon, the chairman announced that the council had decided to employ Mr. Henderson as attorney for the White earth Bands in the school and swamp land matters.

On motion duly made and seconded, the council adjourned to meet at Mahnomen, Minn., on Saturday, the 20th day of August, 7.30 p. m.

DAVID B. (his x mark) KNICKERBOCKER,
Chairman.

JOHN LEECY, *Secretary.*

MAHNOMEN COUNCIL.

The council of the White Earth Bands of Chippewa Indians reconvened at the town of Mahnomen, in the State of Minnesota, on Saturday, August 20, 1910, at 8 p. m., pursuant to adjournment order at the meeting at White Earth Agency, on the 18th instant.

David B. Knickerbocker, chairman; John Leecy, jr., secretary; and Julius H. Brown, interpreter, were present and officiated at the meeting.

As soon as the council was called to order Mr. Daniel B. Henderson, who was present, was called upon, and made a full statement of the swamp-land proposition, explaining the relations of the Chippewa Indians of the State of Minnesota to the State and to the United States, in regard to the school and swamp land within the several reservations, and reading to the council a copy of the resolution providing for employment of an attorney adopted at the meeting held at White Earth Agency on the 18th instant.

May Zhuch ke ge shig thereupon addressed the Indians present, setting forth, at some length, his views in regard to employment of an attorney to attend to swamp-land matters, and advocating the same.

Joe Critt next addressed the council, saying that the Indians of White Earth had held a council on the 18th instant and had voted to have Henderson as their attorney, and had adjourned to Mahnomen for the convenience of the Indians living near there who wanted to know what they thought about the matter. He said, "As every one is busy working, and a great many of you are farmers, we thought we'd come after supper and not delay you in your work. Now, we want to hear what you people have to say, as we from White Earth are in favor of hiring Mr. Henderson as our attorney."

William Lufkins arose to inquire whether the provisions contained in the resolution read by Mr. Henderson related exclusively to swamp and school land interests and was informed that they did.

Robert Hallett, one of the Indians present at the council, announced that he was the stepson of George Walters, and that he was sure his stepfather was misled or misunderstood the exact meaning and purpose of the resolution, and on that account opposed the same at the White Earth council.

After further discussion of the resolution, a motion was made by David Penke that the resolution which had been read be adopted at this meeting, which motion was duly seconded, and, upon a vote being taken, was unanimously adopted.

The chairman thereupon announced that the resolution authorizing the employment of Daniel B. Henderson as attorney for the White Earth Bands, as adopted by the council held at the White Earth Agency on the 18th instant, in their school and swamp-land matters was now unanimously adopted at this meeting.

After further proceedings on other matters the council, on motion, adjourned to meet at the town of Callaway, Minn., on Tuesday, the 23d day of August, at 8 p. m.

DAVID B. (his x mark) KNICKERBOCKER,
Chairman.

JOHN LEECY, Jr., *Secretary.*

CALLAWAY COUNCIL.

A council of the White Earth Bands of Chippewa Indians was held at the town of Callaway, on the White Earth Reservation, in the State of Minnesota, on the 23d day of August, 1910, at 8 o'clock p. m., pursuant to adjournment as ordered by the council at Mahnomen on the 20th instant.

David B. Knickerbocker, chairman; John Leecy, secretary; and Julius H. Brown, interpreter, were present and officiated at the meeting.

After the meeting was called to order, the chairman announced that Daniel B. Henderson, an attorney at law, of Washington, D. C., was present and would now address them on the subject of the school and swamp land interests of the Chippewa Indians in the State of Minnesota.

Mr. Henderson was then introduced and first read the letter from the Secretary of the Interior authorizing negotiations by him with the Chippewas of Minnesota for a contract to represent the Indians on matters pertaining to their swamp-land interests.

Mr. Henderson then explained at length the status of the Indians on the White Earth Reservation with reference to their swamp-land rights, and stated what was necessary to protect these interests of the Indians and to enforce their rights to the property involved, showing how the controversy between the Chippewas and the State of Minnesota over the property in question had arisen.

Mr. Henderson next read to the council a copy of the resolution adopted at the council meetings already held at White Earth Agency and Mahnomen, and explained fully the terms and conditions of the same, calling especial attention to the fact that any contract executed under the provisions of the resolutions would have to conform to the requirements of the law, and would be subject to the inspection and approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

After requesting the member of the council to ask any questions that they might desire relating to the subject, Mr. Henderson yielded the floor.

Joseph Perrault, successor to the late Chief Wesisse, of the Pembina Band, then addressed the meeting. He said that he had long been identified with the Chippewas, of this reservation, and had carefully studied all matters of public interest to the tribe or bands, and believed that he was well informed on the subject under discussion at this meeting. He said that he knew that the Chippewas had large interests involved in the swamp-land controversy, and that he thought it was the duty of the people of this reservation to employ capable counsel to aid in protecting the rights of the Indians in their reservation property. He urged the Indians present to give this matter careful and serious attention, and concluded by advising them to follow the steps taken at the two councils dealing with the subject already held on the reservation.

Joe Critt, one of the Mississippi chiefs, also addressed the council, explaining to the Indians present the plan that the chiefs had thought wise to adopt for holding councils in regard to the swamp-land matter, and stating that they were all favorable to the employment of Mr. Henderson, whom they had known many years, and in whom they had confidence to represent them as their attorney in these matters.

After further discussion on the subject the resolution authorizing the employment of Mr. Henderson, as adopted at the two preceding councils, was offered and unanimously adopted.

The chairman then announced it was in order to fix the time and place to which the council should be adjourned.

On motion, duly seconded and unanimously passed, it was then ordered that the council adjourn to meet at Flat Lake, on the White Earth Reservation, Minn., where the Indians are assembled in large numbers at their rice-making fields, on the 29th day of August, 1910.

DAVID B. (his x mark) KNICKERBOCKER,
Chairman.

JOHN LEECY, Jr., *Secretary.*

FLAT LAKE COUNCIL.

The council of the White Earth Bands of Chippewa Indians reconvened near Flat Lake on August 29, 1910, pursuant to adjournment, but owing to inclemency of weather adjourned to meet and did meet the next morning at 10 o'clock.

David B. Knickerbocker, chairman; John Leecy, jr., secretary, and Julius H. Brown, interpreter, were present and officiated at the council.

The chairman announced that the purpose of the meeting was to consider the question of employing Daniel B. Henderson to represent the Chippewas of the White Earth Reservation in their school and swamp-land interests. He referred to the fact that there had been three councils already held on this reservation; that the action taken at two had been unanimous, and at the third nearly unanimous, and all had favored the employment of Mr. Henderson.

He said some of us have already heard the matter discussed, but Mr. Henderson is present and will now speak to you on the subject.

Daniel B. Henderson then addressed the council at some length, explaining, as he had done at previous meetings, what was involved in the controversy between the State of Minnesota and the Chippewa Indians in regard to the swamp-land rights.

He informed the Indians present that he was holding these councils with the consent of the Interior Department at Washington, the Secretary of the Interior and the Commissioner of Indian Affairs having authorized him to negotiate with the Chippewas of Minnesota for the making of a contract of employment in the premises.

He requested the Indians to discuss the subject thoroughly before deciding what action they would take at this meeting, and explained to them that each

and every person there was equally interested in maintaining the rights of the Indians as against the claim of the State of Minnesota. He then asked the interpreter to read to the council a copy of the department letter authorizing these negotiations and a copy of the resolution that had been adopted by the Indians at the previous councils, which was then done, and the terms and conditions of the resolution were thoroughly explained.

Big Bear next addressed the council. He said: "I am neutral on this reservation; I do not belong to either faction, but I attended the council at White Earth and I was invited by the Indians to attend the council recently held at Pine Point.

"There have been three councils already held on this reservation, and at all of them it has been decided to employ an attorney. The reason we are meeting in council here in the woods to-day is because Supt. Howard declined to call a general council at White Earth and give all the Indians a chance to discuss this matter at one time.

"If he had called us in council at White Earth, it would not have been necessary to go around and hold so many councils at different places."

David Norcross arose and inquired of Mr. Henderson what would become of the money if the Indian allotments that had been selected on swamp lands were canceled and the property paid for by the Government. He said the faction belonging to Pine Point are not represented to-day by any body of speakers; "there are only a few of us here and I am speaking for myself."

Mr. Henderson replied to his question, and explained what would result with reference to the swamp-land selections covering lands already allotted to the Indians, and what the result would be where the selections were made on lands not yet allotted.

Shady Day then arose and said there was no distinction on the pay rolls between the full bloods and the mixed bloods on this reservation; they are all Indians. The mixed bloods get as much distribution of lands and money as we do. The Indians were notified of the White Earth council meeting, and there were at least 10 chiefs present at this meeting. He said that before the proceedings began these chiefs wrote a letter to the agent, telling him that they were ready to hold a council, and notified him to attend. "I know the chiefs were present," he said, "because they signed this letter. These chiefs are the leading men on this reservation."

Nes-ke-gwon was the next person to address the council. He said: "I was a mixed blood, but last spring I made myself a full blood. I was disappointed because Mr. Henderson did not meet all the Indians at the White Earth council. I think this matter should be decided by all the full bloods; this is one reason I was not favoring the matter at White Earth.

Bud de Gonce addressed the meeting, saying that since he had heard of this matter he attended all the meetings of the Indians with Mr. Henderson, and knows very well that notices of the first council were sent to the various parts of the reservation.

The Indians at Pine Point, Mahnomen, Callaway, and Beaulieu were telephoned immediately, telling them on what date the council would be held at White Earth.

A telephone message giving immediate notice was sent to Aysh Quay Gwon Abe, or John Franks, a policeman, who lives at Pine Point.

Knickerbocker, the chairman, then arose and addressed his remarks to five or six Indians from Pine Point who were sitting outside. He requested them to come within the council circle, and speak, if they had any views of the subject, and to ask questions about anything that they wanted to know. He said: "You are here at this council to say what you have to say. When we are gone and two or three of you sit down together, do not then find fault with what has been done at this council."

Peter Ship in the Day said:

"I intend to state my mind plainly. I have heard what was going on at Pine Point and White Earth. I do not belong to either faction, but I do not understand why these two parties do not agree about employing an attorney; and I do not understand why there is this conflict between the attorney present to-day and the statements that come to us from the agency and the attorneys at Detroit that are investigating our affairs. This man's letters show that he comes straight from Washington.

"They are always conflicting with each other, and they ought to come together at one council and explain these matters to us.

"I am not opposed to employing an attorney, but I do want these people to come together."

O Ge Ma Ge Shig, a Mille Lac Indian, who is also known as Che No Din, next addressed the council. I intended to attend the White Earth council, he said, but was advised at the agent's office not to do so. They advised me that day to go with one of the agency employees to Twin Lakes, and all along the road he notified the Indians not to attend the council that was called at White Earth. When we got to Twin Lakes the Indians were prepared to come to the council, but he told them not to do so; that notices would be posted on all roads leading to White Earth for at least 30 days when a council was called. He said that when he came to this reservation the agent wanted him to take allotments for his family, and that he refused at first, but afterwards came with a surveyor and examined the allotment that they offered him and his wife. It was very poor land, with a few scattering tamarac on it. I then went back to the agent, he said, and told him that these tracts of land were poor allotments and the Government would have to furnish me with rubber boots as long as I lived if I occupied those allotments.

The agent then said I might change allotments, but I had no confidence in these promises, and I have my land yet, and I will employ this man for my own swamp land business, whether the other Indians do or not.

Hoe Critt, the next speaker, said that no reflections should be cast against Mr. Henderson on account of not calling a general council at White Earth. The agents of the Wisconsin reservations and the agent of the Leech Lake Reservations had called councils as soon as they were requested by him. "I have attended the three councils held on this reservation," he said, "and they all agreed to employ Mr. Henderson."

Knickerbocker, the chairman, then arose and said that in these matters the voice of one man was not to govern, but that of the majority.

The resolution providing for the employment of Mr. Henderson, as read by the interpreter, was then, on motion duly seconded, submitted to the council and adopted by a vote of 24 ayes to 5 noes, and the chairman announced that the employment of Mr. Henderson was accordingly authorized by this council.

The chairman then announced that the resolution had been adopted, and the council, upon motion, was adjourned without day.

Thereupon the council, upon motion duly seconded, was adjourned without day.

Q. This letter has brought out something that I wish to inquire about. Do you say that this letter that has just been read here [referring to letter to Mr. Valentine] was under the advice of Special Agent Hinton and Special Assistant Attorney General Long?—A. My recollection is that they approved of the telegram we sent. The record will show.

Q. Was this report made immediately following a council that was held at Pine Point where Mr. Hinton and also Mr. Long were present, in August, 1910?—A. That does not mean anything else but the matters at White Earth, and I think that is what the record will show.

Q. I will ask you if that letter didn't follow the council that was held at Pine Point in 1910, a few days after?—A. I don't remember the council at Pine Point.

Q. Did you not attend a council at Pine Point at which Mr. Long, Mr. Hinton, and yourself were present?—A. I was over there to the Fourth of July celebration, as I recall, but I don't now recall the council meeting.

Q. Did you not hold a council in August, 1910, at Pine Point?—A. No general council.

Q. Well, I mean a council of any kind?—A. There might have been a meeting of the Indians at that time at Pine Point. I don't recall it.

Q. Was not the subject of employing Mr. Long as the attorney for the tribe discussed there?—A. It might have been; I didn't hear it.

Q. Have not the Indians at Pine Point discussed the subject of employment of Mr. Long as attorney, if you know?—A. I don't know; I don't recall anything about that.

Q. Did you know that that was a general rumor upon the White Earth Reservation, and that a general notice had been published in the Tomahawk regarding it?—A. A general notice of what?

Q. Of Mr. Long's employment as attorney.—A. I don't recall it.

Q. You don't recall, then, the notice or the reference that was made to it in the Tomahawk, in which a copy of the letter that was written by one Frank Broker, I believe, was published?—A. I don't recall it.

Q. You mentioned $150 for claims that had been put in, which you claim I was interested in, in your report?—A. I remember that.

Q. Do you remember for what purpose that claim was filed?—A. Well, I was endeavoring to find out for the benefit and information of the department, but the only information I obtained was that it was something that you had done. The other people didn't seem to know anything about it.

Q. Was it not generally known that two scalers were out on the Mississippi River catching logs to find out whether the scale of timber that was being cut on the Chippewa Reservation at Cass Lake—whether it was being properly scaled or not.—A. The bill for the services that you put in was stated—to remunerate you for money that you had expended, as I recall it, for employing Asa White—perhaps that is not the right name; but there were two men.

Q. Now, as a matter of fact, it was not to remunerate me, but to pay Asa White for the additional services as scaler, was it not?—A. My recollection is that you had a resolution put through some council authorizing this as a remuneration to yourself. That is my recollection. I have no data about it.

Q. You have the resolution?—A. Why, it may be in those council proceedings; it is a matter of record. If it is, it is the best evidence.

Q. It could not possibly have been in these council proceedings when you refer to something that took place in 1910, and the council proceedings were in 1909?—A. Well, at that time—whenever the council was—you should remember that better than I do. But I will, perhaps, save time to state that a communication was received at my office—I can't give the date from memory—from the honorable commissioner, announcing a bill that you had presented through Mr. Richardson or Mr. Henderson, claiming, I think it was, $150, to reimburse you for money expended in the employment of two men who, it was stated, had been employed to police the Mississippi River at the time of the log driving, going down, and endeavoring to detect some irregularity about some Government official at Cass Lake. I think it was Mr. O'Neill. The matter was referred to me for report. My recollection now is that I called on Mr. Ben Fairbanks and asked him what he knew about it. I showed it to him. My recollection is that he said he didn't know anything about it; that it was something of yours. I sent to your office a note requesting you to come to my office. You refused to come, and I made a report to the department, giving what information I could obtain. Later you had that put through a council, and it was presented, if

I am correct, again by Mr. Henderson, with a letter covering those points. The letter further stated that you had incurred that expenditure at the request and under authority of the leading chiefs of the Chippewa Nation. It was returned to me for an explanation, as that didn't agree with my former report. I sent for an interview with several of those chiefs—the record will show who they were—and they made affidavits that they had never authorized you or anyone else, nor had they any information of this expenditure until the matter came up in the council. Those affidavits accompanied my report, and are on file, probably, with the department. And that ended it, so far as I know.

Q. You refer to certain records here. Have you those records at your office at White Earth?—A. All these matters that you speak of——

Q. Yes.—A. Those affidavits I have not. Those were sent in.

Q. Have you any record?—A. I have a copy of my report and my letters.

Q. Have you a copy of the council proceedings which authorized the employment of Mr. Richardson?—A. Yes, sir; I have it right here—I think I have.

Q. Well, will you just produce that?—A. What year was that?

Q. 1909.—A. Yes; I have it.

Q. Just let me look at it, please. I will endeavor to find out what I want to read. I think that is the paper. [Mr. Beaulieu examines papers.]

Q. Now, I want him to read the date of that council proceedings.

The WITNESS (reading):

Minutes of a council of the White Earth Bands of Chippewa Indians residing and belonging on White Earth Reservation, Minn., held at the village of White Earth, on said reservation, June 16, 17, 18, 1909, and at an adjourned session thereof held July 15 and 16.

Mr. GRAHAM. What do you want to do with this?

Mr. BEAULIEU. I want to know if that is an authentic report of the council—a correct report of the council proceedings. It is signed, I believe, by employees of your office?

The WITNESS. I think it is. It is signed by "William Dailey, secretary, and Julius H. Brown, interpreter." The chairman refused to sign the papers.

Q. Mr. Dailey was at that time, and is now, an employee of your office, is he not?—A. Yes, sir. Mr. Dailey is an Indian.

Q. I will ask you to read this, which relates to the matter under discussion; just that resolution—just the resolution. You need not read the whole of it; just this part.

The WITNESS (reading):

That the Secretary of the Interior and the Commissioner of Indian Affairs are hereby authorized and requested to pay Levi White, of Fort Ripley, Minn., the sum of $100, and Mr. William H. Donahue, of Crow Wing, in said State, $50, for scaling certain pine timber that was cut on the Chippewa Indian Reservation in the State of Minnesota, which belonged to the Chippewa Indians of Minnesota, out of any funds in which these bands are interested now in the Treasury of the United States to the credit of said bands, and which employment is for one month, from July 15 to August 16, 1909. On motion of Gus Beaulieu, seconded by Peter King, the council adjourned until the next day.

Q. Now, Maj. Howard, your letter was written one year after that council took place, was it not?—A. This letter?

Q. The letter that is referred to—this particular amount of $150?—A. Well, the date will show; I don't recall the date.

Q. So, as a matter of fact, Gus Beaulieu didn't have any interest in that $150 whatever?—A. In the letter that you refer to there—I have reference to former letters which perhaps go more into detail in this matter than I can recall now.

Q. Well, will you produce copies of those letters?—A. Certainly; anything you want.

Mr. GEORGE. Just let me inquire here: Do you say that the chairman of that council refused to sign the report?

The WITNESS. He refused to sign the council proceedings, and for that reason those proceedings were held in my office for several weeks.

Mr. GRAHAM. You mean the report of them?

The WITNESS. The report of those proceedings before I forwarded them to the department.

Mr. GEORGE. Why did he refuse to sign them?

The WITNESS (examining papers). At this council there were submitted for consideration the applications of a large number of people who wanted to be enrolled. There was also under consideration something else. I have forgotten now what it was. But the chairman of that council, May-zhus-e-ke-ge-shig, stated that a great many people had been admitted to the rolls—the list is here—whom he didn't believe to be entitled to membership. That is my recollection now. And he refused to approve the proceedings. There was also at this council considerable friction over the reemployment of Attorney Richardson, and the old chief claimed that unfair measures had been taken by the mixed bloods to carry that proposition through the council. This was several years ago, and I am speaking from recollection. And he refused, and his name is not on the papers; it was sent in by me without it, and I stated in my letter why he declined.

Q. Maj. Howard, did he give as a reason only that there was a great many people put on there—why he refused to approve that council or certify to it; was that the only reason he gave?—A. No; another reason was the Richardson matter. He didn't approve of the methods, the way the thing was carried by the caucus.

Q. Did he not select five persons, according to this report, to investigate whether the applicants were entitled to enrollment as members of the tribe or not?—A. Well, that will show; I don't know.

Q. It shows in the report?—A. Yes; that will show.

Q. And were not Gus H. Beaulieu, Wah-wah-ye-cumig, George Walters, Joseph Perrault, and Ben Fairbanks selected?—A. If that is so stated; yes, sir.

Q. Did he state in what manner the Indians had been treated unfairly to vote upon the rights of those people—of Mr. Henderson's employment?—A. My recollection is that after that council a large delegation came to my office and protested against my approval of these proceedings.

Q. But this was a council held openly, and you didn't accept the private protest, did you?—A. I was going to tell you what you asked me to state. Among others was May-zhuc-e-ke-ge-shig. They stated that the full bloods, at the opening of that council, were in the majority, and that they were opposed to the reemployment of Mr. Richardson, and that you and others prevented the matter coming to a vote,

forcing an adjournment of it again. When they met, pursuant to adjournment, they were still in the majority and were forced to another adjournment; and when they came together you announced in the council that if they took up the Richardson matter and carried it through that day, that when the mixed bloods came over the next day, they would reconsider it—and nothing was done. The next day they claimed that wagon loads of spectators came into White Earth to attend this adjourned council, and these full bloods refused to participate.

Q. Now, upon whose motion was the council of June 15, 16, 17, and 18 adjourned?—A. I don't remember.

Q. Now, didn't May-zhuc-e-ke-ge-shig resign as chairman of the council?—A. If it appears so on the records. I don't remember.

Mr. BEAULIEU. I would like to read into the record the resignation of the chief as chairman.

Mr. GRAHAM. You may do so, Mr. Beaulieu.

Mr. BEAULIEU. This is the council we are speaking of:

Pursuant to adjournment the White Earth Bands of Chippewa Indians in Minnesota, in council on this day, at 10 o'clock a. m., with the officers thereto installed, upon the resignation of Chairman May-zhuc-e-ke-ge-shig, Rev. Charles Wright was duly elected to fill the vacancy.

Q. Now, was not Rev. Charles Wright the chairman, instead of May-zhuc-e-ke-ge-shig?—A. Does his name appear there? I don't know.

Q. That is the resolution?—A. I don't know. The records will show better than my recollection.

Q. Well, did the Rev. Charles Wright refuse to sign the proceedings of this council?—A. Whoever was chairman refused to sign.

Mr. GEORGE. Who was chairman?

Mr. BEAULIEU. The Rev. Charles Wright was chairman. May-zhuc-e-ke-ge-shig was elected as chairman, but he resigned and didn't want to act, because he felt that there was some opposition; so he resigned, and the Rev. Charles Wright acted as chairman after that.

Mr. GEORGE. And he was the man who refused to sign the report?

Mr. BEAULIEU. Wright was chairman, and he should have signed, and not May-zhuc-e-ge-shig.

Mr. BURCH. But he didn't.

Mr. GEORGE. Who refused to do so?

Mr. BEAULIEU. The agent says that May-zhuc-e-ge-shig refused to do so.

The WITNESS. Well, that record is better evidence than my recollection.

Mr. GRAHAM. Well, gentlemen, keep pushing along.

Q. Well, I don't suppose it amounts to much, anyhow. You also said in your letter, Maj. Howard, that Mr. Henderson and Mr. Richardson were partners.—A. I stated that that was my belief, I think.

Q. Oh, that was merely your belief? You had no evidence that they were?—A. I don't recall now what I did have.

Q. Now, Maj. Howard, did you ever hear that either Mr. Linnen or Mr. Moorhead had favored the employment of Mr. Allen, of Massachusetts, as attorney for the Chippewas?—A. I think I remember hearing that Mr. Moorhead had told some of the Indians at some place on the reservation that Mr. Allen was an honest man and

would make them a good attorney, if they wanted one. I think I heard something of that kind. Mr. Allen was with Mr. Moorhead at Beaulieu. I don't think he came to the agency. I don't think I met him. Perhaps I did.

Q. And did you not hear a report that was in circulation there that James McIntosh and Mr. Moorhead and Mr. Linnen had had some words over the employment of an attorney whom they favored, and that this was at a council at Beaulieu, where they were advocating the employment of Mr. Allen?—A. Well, I don't recall hearing that. If I did hear it, I don't recall it.

Q. Now, Maj. Howard, at the time of the opposition to Mr. Richardson's contract, did you not furnish the Indians at Pine Point with a great deal of provision to go to White Earth and oppose Mr. Richardson's employment?—A. We have issued a great many rations at Pine Point. Whenever a hungry Indian came in there if I had a pound of pork or a sack of flour I fed him. I only regretted, sometimes, that I didn't have more to give him. Now, any issues of flour that were made there, my report of issues will show. I can not recall it.

Q. Did you issue, on or about July 15, 38 pounds of tea, 380 pounds of sugar, 76 pounds of mess pork, and 1,900 pounds of flour to the Indians at Pine Point who came there to oppose the employment of Mr. Richardson?—A. The records will show it if I did.

Q. Was that issue not from the school supplies—that is, for the children?—A. When I took charge, in checking over the property at Pine Point I found there was a large quantity of flour there that had been gained by Mr. Hurr on issue. Now, the extra flour was issued to the Indians as long as it lasted, without any record being kept of it, as I remember it. Perhaps we had a record of it. Whenever I issued anything, it was submitted either before or after the issue, and approved or authority granted from the department direct. My records will show all this better than I can recall it.

Q. Doesn't the department require you to keep a record of all issues?—A. Yes. But this property had been gained in issue by Mr. Hurr. I have forgotten the quantity. I had an itemized list. It was property that had been gained in issue to those same Indians or in issue to the school.

Q. It was issued to the school, and not to the—— A. It was billed there to my predecessor. It belonged to the Indians. I took that view of it, and I gave it back to them as long as it lasted. That is my recollection. After that we had ations for the Indians.

Q. Did you not give it to the Indians whom you wished to control?—A. There was no distinction in the hungry Indians with me.

Q. You have never made a distinction in the hungry Indians?—A. No, sir. If anyone came around who was hungry, I fed him.

Q. Do you recall that Mrs. Bigbear asked for provisions there, and did you not refuse her?—A. I did; for her husband had just got back from Washington as one of your delegation and had a pocketful of money, I supposed.

Q. You supposed that?—A. Yes.

Q. Was she not a "hungry" Indian?—A. I don't know.

Q. And how did you know that he came back with a pocketful of money?—A. Well, he appeared to have it when he was around there.

Q. As a matter of fact, did you see him with any money?—A. Well, I don't know that I saw him with money.

Q. He received while he was absent only his expenses, actual expenses at Washington, did he not?—A. I don't know.

Q. Didn't the department send back to you a record of that?—A. No; the department sent me four checks. Two of them were for delivery to you, made payable to you, one to Ben Fairbanks, and one to Julius Brown, with instructions that I was to deliver the checks and take an acknowledgment. I mailed these two checks to you—I have forgotten the amount, it was about $200, perhaps more—with the request that you acknowledge receipt, which you forgot to do. Mr. Fairbanks and Mr. Brown both acknowledged receipt of their checks. Now, that was the only money that passed through my hands in connection with the delegation's trip to Washington and the expenditure of the twenty-four or twenty-five hundred dollars that was obtained.

Q. You mean the $2,500 that was appropriated?—A. $2,500 that was appropriated, I think, is correct.

Q. Didn't the department write you of the bills that had been incurred by the delegation?—A. None of them; neither of the delegations.

Q. Now, I believe in some part of the testimony they say they did.

Mr. BURCH. The department say they did?

Mr. BEAULIEU. I believe there is something in the testimony somewhere that says they did refer it to the major.

Q. You stated that under the tribal custom the agents would call the Indians in council.—A. No; I didn't say so. I said that was my understanding.

Q. Oh, your understanding. Didn't you say this: "The custom has been for the agent to call general councils, giving ample notice so that the Indians living on the reservation may have time to attend; all these councils are to be held at White Earth"?—A. That is the custom.

Q. Now, is that really the custom?—A. That is my understanding.

Q. You only get that from information. Isn't it the custom for three or four prominent men to meet and call a council themselves, if they so desire, sending out notices?—A. I have not known that, for a general council. My understanding is that general councils should be held at the agency and ample time given for the Indians to remove. Now, they have numerous councils, what they call councils—that is, the different bands—but they are not regarded as general councils.

Q. By whom are they not regarded as general councils?—A. Not by the Indians themselves.

Q. You say that all these councils are to be held at White Earth?

Mr. BURCH. General councils.

A. They should be; general councils.

Mr. BEAULIEU. I am not calling you to testify, Mr. Burch.

Mr. GRAHAM. I think that your objection is well taken.

Q. Maj. Howard, will you confine yourself to the councils at White Earth?—A. Those that I have called?

Q. No; those that you have attended, at which you have been present.—A. Oh, I have not attended any. I have not attended the general councils at White Earth; very seldom. I have been there—some of them I have.

Q. Did you not attend a council at Pine Point—I presume within a year or so—did you not attend a council at Pine Point?—A. Frequently, when I have been at Pine Point, the Indians have got together, but not a general council.

Q. Did you not circulate a petition among them for them to sign in the council?—A. No, sir.

Q. Well, in order to refresh your memory, did you not circulate a petition which contained this:

The council has every confidence in the ability, integrity, and honesty of purpose in the person of Hon. John R. Howard, general disbursing agent; that the said John R. Howard helps the Indians, and in his help he does not help the capable and privileged few; therefore the council, so far as consistent and if official propriety will permit, do earnestly urge, request, and implore the Indian Department to retain said John R. Howard in his present official capacity.

Do you remember that?—A. No, sir.

Q. Had you ever heard of it?—A. I don't think I ever heard of it. I may have heard of it, but I don't recall it.

Q. Are there any Indians at Pine Point who are competent to write a petition of that kind—that is, in the language?—A. That sounds like N. B. Hurr. He might have gotten that up. He is quite a scribe.

Q. Well, it may sound like him. Do you think he did it?—A. I do not.

Q. Are you particularly friendly with Mr. N. B. Hurr?—A. Why, not at present; no, sir.

Q. Were you ever very friendly with him?—A. Why, Mr. Hurr was in charge at the Pine Point school when I took charge, and I held him in very high esteem for awhile.

Q. And your relations have not been very friendly for a couple of years, have they; a year or so, anyway?—A. Well, since he resigned from the Government service and took up your employment I have seldom seen him—since he was employed by you.

Q. Are you sure he is employed by me?—A. I have heard of his getting checks from the Nichols-Chisolm Lumber Co. and cashing them at the bank there.

Q. Well, I am not the Nichols-Chisolm Lumber Co. I wish I were. Do you really think that Mr. Hurr was friendly enough with you to write this petition in favor of your retention there?—A. What is the date of that?

Q. Well, I am asking you.—A. Well, within the last year I don't think Mr. Hurr has been very friendly.

Q. Well, have you any knowledge that Mr. Hurr ever got up a petition for the Indians to sign?—A. I don't know. I couldn't answer that.

Q. I would like to ask you if you have the issue book for the issues of last year, during the months of October, November, and December, 1911?—A. Yes, sir; we have them.

Q. Will you produce them?

Witness produces papers.

Q. Maj. Howard, I will show you these.—A. I don't know anything about them. I am not familiar with all the clerical details in the office.

Q. Are you not the agent?—A. I don't do all the clerical work, and I can not carry it in my head. I have a man here who can ex-

plain it, but I can not explain it. Oh, I could pick it out by taking the time of the committee, but it would take me some time.

Q. I will ask you, Does that report cover all the issues made during that quarter?—A. If it so shows.

Mr. BEAULIEU. I will hold these records, the last quarter of 1911, and question him from the records.

Mr. GRAHAM. Mr. Beaulieu now has in his hand the report of the rations issued for the last quarter of the year 1911. Maj. Howard, you stated that you issued rations only to the poor people of the White Earth Reservation?

A. Yes, sir; the hungry, the sick, and the blind.

Q. Do you regard Jane Walters as one of the hungry persons upon the White Earth Reservation?—A. No, sir; but her husband is a policeman, and if there is an issue there it was due him probably as a policeman.

Q. Do you not issue rations to policemen instead of their wives?—A. Sometimes their wives come and get it; just so we can identify the families is all we care for.

Q. In this particular instance there are 20 pounds of pork, 5 pounds of beans, and 2 pounds of coffee. Is that a policeman's issue?—A. I think so.

Q. Who is Mrs. Wallace Weaver?—A. I don't recall her, but think I have met her.

Q. Doesn't her husband keep a pool table out at Strawberry Lake?—A. I don't know.

Q. You know Wallace Weaver, don't you?—A. I think I do.

Q. Is he a man who is unable to work and support his wife?—A. I can not say about that. He is a mixed blood.

Q. Who is Amazon Clark?—A. I think he is a Mille Lac.

Q. Yes. Does he still receive rations?—A. Some of the Mille Lacs are still receiving rations.

Q. Did he receive 180 pounds of pork recently?—A. I can not say. The records are the best evidence.

Q. You are not sure that he received that?—A. If the records show it.

Q. You are sure of the records?—A. If the records show it; yes.

Q. Did he receive 102 pounds of flour?—A. If that is so shown there.

Q. And 48 pounds of beans?—A. Whatever is shown on that record.

Q. Who is William Fairbanks?—A. Well, there are so many of them Fairbankses that I can not state.

Q. Is William Fairbanks a merchant at Mahnomen, in business there?—A. I don't know.

Q. Did he receive 60 pounds of pork during the last quarter?—A. If it is so stated there; some man by that name.

Q. And 16 pounds of sugar?—A. If it is there.

Q. And 120 pounds of flour?—A. If it is there.

Q. And 8 pounds of coffee?—A. If it is so stated there.

Q. And 20 pounds of beans?

No answer.

Q. Who is James Bassett?—A. James Bassett is an old Indian at Pine Point.

Q. Was he not one of the speakers here?—A. He appeared here before the committee. He had a son who recently died with tuberculosis.

Q. He was one of the first speakers yesterday?—A. Yes. That son, while he lived, was furnished rations.

Q. Did you issue to James Bassett 60 pounds of pork the last quarter?—A. If it so states there.

Q. And 16 pounds of sugar during the last quarter?—A. The record is the best evidence.

Q. And 120 pounds of flour and 8 pounds of coffee and 20 pounds of beans?—A. Not personally; but it was issued from Pine Point if the record so shows it.

Q. And where was it issued from to William Fairbanks?—A. I can not say. I don't know which one it was. There are several Fairbankses. Some of them have tuberculosis, and we have been helping them, and this may be one of them.

Q. Who is John Bellanger?—A. Well, there are several of the Bellangers.

Q. Well, are there several named John Bellanger?—A. Well, I don't know.

Q. Did John Bellanger receive 15 pounds of pork the last quarter?—A. If it is on the record.

Q. And 40 pounds of sugar?—A. If it is on the record.

Q. And 30 pounds of flour?—A. Whatever is on that record is probably correct.

Q. And 2 pounds of coffee and 5 pounds of beans; did he receive that?—A. I think he did if it is so stated there. There is a Bellanger at Round Lake. The family have tuberculosis. That may be the man.

Q. Did you issue, during the last quarter, rations for Mrs. Caroline Oliver?—A. The record will show.

Q. You issued, according to the record, 1½ pounds of tea, 30 pounds of pork, 6 pounds of sugar, 51 pounds of flour, and 24 pounds of beans. Does Mrs. Oliver live at White Earth?—A. I don't recall that party, but I think it is a very old woman who lives there at White Earth. I think so, but I don't recall. The record is the best evidence of these things. She evidently applied, or some one applied for it, for something to eat, if she got it.

Q. Did she not remove to Red Lake last fall?—A. I don't know. This may have been before she went.

Q. It must have been before October 1?—A. Well, you see that covers that quarter.

Q. Did you issue during the last quarter 3 pounds of tea, 45 pounds mess pork, 9 pounds of sugar, and 75 pounds of flour, and 1 pound of baking powder, 9 pounds of beans, 10 pounds of bacon to George Walters?—A. If it so states there. They draw their rations as policemen every month. He may have gotten it, or his wife may have gotten it.

Q. Well, he got it, and didn't he get it during the same quarter, in this quarter, not that month, but in that quarter?—A. I know; but they all apply to that quarter. Those policemen's rations are sometimes issued monthly.

Q. Well, here the issues are, for all those men: There is Charlie [illegible]y, James Madison, Tom Skinaway, Edward Jackson, George

Lufkins, Fred Jackson, John Badboy, George Walters, Star Badboy, David West, James Van Wirth, Robert Belland, Ephraim Budrow, for the quarter ending December 31. Is Jane Walters the wife of George Walters?—A. Yes.

Q. He is the man who testified that he is quite well off?—A. George Walters?

Q. He has somewhere in the neighborhood of 320 acres of land?—A. He is on the police force, and entitled to rations.

Q. Well, do you think that his wife is a person who should have received rations?—A. I don't think she got them for herself. If those are not police rations, she got them for some other person.

Q. Well, I am giving the record as it appears here. I am not guessing at it. I am simply taking your own record.—A. That was perhaps for her husband for that month. The record will show.

Mr. GEORGE. Are the police all entitled to rations?

The WITNESS. Yes; the police are entitled to rations. They draw them monthly, or some member of their family draws them.

Mr. GEORGE. That answers your question, does it not, Mr. Beaulieu?

Mr. BEAULIEU. Yes, sir.

Noon recess.

AFTERNOON SESSION.

JOHN R. HOWARD recalled.

Mr. HOWARD. Mr. Chairman, at the beginning of this part of the subject of the issue of rations, I stated that I was not thoroughly familiar with all the clerical details of the office in regard to those issues except so far as shown by the records. Now, one case came up here, Mrs. Walters. Some rations were issued to her, and I stated at the time that it was probably rations issued because her husband was a policeman. I find that was not the case; that there were some old Indians there at the agency who applied for shelter and we did not have room in the Old Folks' Home to put them, and Mrs. Walters and her husband volunteered to take them home and keep them for a few days, if I would feed them, and that was the purpose that these rations for Mrs. Walters appeared on the record.

Mr. GRAHAM. The correction will appear.

Mr. BEAULIEU. Then, if Maj. Howard is not familiar with these, I am going to wait and look it over myself, and then also will ask that the issue clerk be called to testify.

Mr. GRAHAM. Who is the particular person who would know?

Mr. BEAULIEU. The issue clerk.

Mr. GRAHAM. Is here here?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. I was going to suggest, Mr. Beaulieu, that it would be shorter and much better to interrogate him on the subject.

Mr. BEAULIEU. I want to look them over, besides that.

Mr. GRAHAM. Very well. Very well, we will proceed.

Examined by Mr. BEAULIEU:

Q. Maj. Howard, how many employees have you in your office?—A. The chief clerk, one assistant clerk——

Q. Who is the chief clerk?—A. W. G. West.

Q. How much is his salary a year?—A. Twelve hundred.

Q. Who else?—A. William Dailey.

Q. What is his position?—A. Assistant clerk.

Q. What does he receive a year?—A. I think it is nine hundred now.

Mr. GEORGE. What page is that?

Mr. BEAULIEU (referring to record of hearings). Page 140.

Q. Who else?—A. C. Peterson, stenographer.

Q. What is his salary?—A. I think that was nine hundred.

Q. And have you any other?—A. Yes.

Q. What is his name?—A. Otto W. Dummert, issue clerk.

Q. What is his salary?—A. Nine hundred, I think.

Q. Who else?—A. Calvin Kelsey, financial clerk.

Q. What is his salary?—A. Twelve hundred.

Q. Anyone else?—A. That is all the employees, as I recall.

Q. No other office employees?—A. That is all the office. There is another person there who acted as chool clerk.

Q. Who is that?—A. Miss Wyman.

Q. Where is she?—A. She is employed at the office. There was formerly the position of school inspector at $1,000 a year. The school inspector was my present chief clerk, Mr. West, and when I transferred him from the position of school inspector I recommended that the position of school inspector be abolished and a person appointed at a less salary, which was done by the department, and she is designated as school clerk.

Q. What is here salary?—A. Six hundred, I think.

Q. What are her duties?—A. Any duties she is called on for, in the office, to assist.

Q. Are her duties confined simply to matters pertaining to schools?—A. Why, she has those with her other work. That does not keep her busy all the time.

Q. What other employees have you, if any, at White Earth?—A. I don't recall any. I think I have not skipped any at the office except the police force.

Q. You have testified that Miss Margaret Warren——A. Oh, I have skipped one—Miss Margaret Warren, stenographer. She has not been with me at the office for about two years. She has been detailed to the Department of Justice. She is at present here, but is carried on my list of employees.

Q. She is carried on your list, but is down here at Detroit?—A. She is detailed here as interpreter and assistant to the department.

Q. How is she paid—out of what fund?—A. Paid as other office employees, by the Interior Department.

Q. Out of which fund?—A. Civilization of Indians; out of that fund.

Q. That is out of the Chippewa fund?—A. Yes, sir.

Q. How many of these persons that you have named are Indians?—A. Miss Warren, Mr. Dailey—one moment; I have missed another—the Rev. D. F. Porter, allotment agent.

Q. Is he employed at the agency?—A. He is employed at the agency.

Q. In the office?—A. In the office or outside; wherever we send him.

Q. How much time does he devote to agency work or in your office?—A. He does very little office work. His work is outside look-

ing after the Indians and settling the removal of Mille Lacs and locating, looking up allotments for those who want them, and since this swamp-land question came up we have had to relocate and reallot many of those who formerly had swamp land, and Mr. Porter has done that work and it has kept him very busy.

Q. Does he not stay at home a large portion of the time; at Duane?—A. That is his home. That is his headquarters, at the office. He gets instructions from me and goes out and works them up.

Q. As a matter of fact, he doesn't leave home as often as once a week, does he?—A. Well, his reports, until recently when he has been sick, have been very regular about his work.

Q. You have, then, only two regular employees in your office?—A. Indians?

Q. Yes.—A. I have three.

Q. Well, you would hardly call Mr. Porter——A. They are carried as office employees—Margaret Warren, William Dailey, and D. F. Porter.

Q. What salary does Miss Warren have?—A. I think $900 a year.

Q. And young Dailey.—A. The same, I think they are, a year.

Q. $1,800. Now, the salaries of the others foot up to $8,120, do they not?—A. Well, I can not give you the amount from recollection. The records will show.

Q. And the salaries of the two Indians, and you have over $1,800?—A. Three Indians.

Q. Well, then, three Indians. What do you say Mr. Porter's salary is?—A. I think it is $900. The record will show.

Mr. GRAHAM. The statement published in connection with your testimony formerly does not give it quite as you give it now. It gives Mr. Porter's salary as $800.

The WITNESS. That is correct.

Mr. GRAHAM. And Miss Warren's, at $840.

The WITNESS. Well, those were correct at that date.

Mr. GRAHAM. And Dailey's, $900.

The WITNESS. Yes.

Q. In addition to those salaries, what do the different office employees receive?—A. The agency employees have quarters and buy their own fuel.

Q. Are their houses furnished in any way by themselves?—A. Some of the furniture may belong to the Government. We have bedsteads and stoves that are Government property, but those who are keeping house I think furnish their own stoves generally. Such articles as we have that we can accommodate them with the use of, we let them use.

Q. Do they not also have bedding?—A. Such as we have—blankets; some of them have blankets.

Q. Those are all furnished from the Indian Office, aren't they?—A. All from the Indian Office, the same as has always been done there.

Q. Do you mean to say the Government has always furnished the employees with certain articles of bedding?—A. That is my understanding of it. They had it when I came there; some of the stuff that was invoiced and turned over to me and was in the quarters of the different employees.

Q. "In the quarters"?—A. They were using it.

Q. Is there any authority in the rules of the department that gives them the right to use Indian property for their own use?—A. Well, I have not heard it raised—that question—that they do not have the right.

Q. Have you not repeatedly heard the Indians complain about their property being wasted up there and being used contrary to law?—A. The only one who has ever complained, so far as it came to me, was Gus Beaulieu in his Tomahawk.

Q. Well, his Tomahawk usually reflects the sentiment, to a large extent, of the White Earth Reservation people, does it not?—A. I don't think so.

Q. Is it not true that you have used Indian property; I mean you and your employees also, contrary to the law?—A. Not that I am aware of.

Q. Maj. Howard, does the law permit the Government employees to use schoolhouse coal?—A. It does not. We have authority to sell it.

Q. You have authority to sell it?—A. Yes, sir; and they buy their coal.

Q. From their own salary?—A. Yes, sir. Pay for it themselves.

Q. Didn't you all use coal that you didn't pay for?—A. Yes, sir.

Q. Did you have authority from the department to do that?—A. No, sir. I may explain—when I first went there the employees, as they are now, who were quartered at the schools in the dormitories, were furnished heat and light and their rooms were furnished. The employees that were quartered outside—there was not room in the dormitories for them, they were buying their own wood. One or two of them had coal stoves, and I don't know who they were now, and I permitted them to use coal. They bought their own wood. Some of them did not use any coal. I also used coal in the agency house, which is a part of the school plant, and is fitted up with a coal heating apparatus. I supposed I had a right to use it. The first winter I was there I don't know how much coal we used. I bought a good deal of wood from the Indians. I bought over 10 cords of wood. My cookstove and my fireplace were supplied with wood that I paid for. When Mr. Linnen was there, the next summer, he called my attention to that question. He said, "I understand one or two of the employees here are using Government coal." I told him they were. "Now, I think they haven't any right to do it," and I was surprised. Now, he says, "It may be that you have a right; your house being a part of the school plant, I don't think that question would be raised, but I don't think your employees have a right to use coal. If I were you I would submit it to the department." I did so, and I was informed that there was no authority permitting the employees to use the coal, but that if I had coal that I could spare I was authorized to sell it to them at cost, and also I could use it myself. Since that time the coal has been faithfully weighed and paid for by everyone who is using it, except the doctor; he is entitled to fuel for his office and that is furnished. His house he pays for, but his office has a coal stove and coal is furnished. Outside of that the employees who are using coal pay for it.

Q. You had in your bin, when Mr. Linnen was up there, how much coal?—A. I don't remember.

Q. How large is your bin?—A. I don't know that.

Q. Who else besides you had coal?—A. That I could not say.

Q. Did the chief clerk have coal?—A. I think he did.

Q. How large was his bin?—A. Well, when Mr. Linnen was there—it was in the summer—there was very little coal on hand then.

Q. Well, they had coal supplies put in for the winter, did they not?—A. After that; it was weighed out and put in and they paid for it.

Q. Didn't Mr. Linnen make his investigation along about in October?—A. I don't think at the time he made his investigation that our winter coal had arrived for that year. We had some left over, perhaps. We were not using much coal at that time.

Q. Well, he made his investigation in September or October, didn't he?—A. He was there in the summer. I can not say just what time he made this investigation.

Q. Did the assistant clerk have any coal?—A. Which one?

Q. Both.—A. At that time the assistant clerk—one of them was Dennis and the other was Miss McDougall. I can not say whether either of them had coal.

Q. Then, you and the chief clerk were the only ones?—A. No; I can not say that, because I don't recollect it. We had a coal stove, though, all of them at that time, but I can not recall.

Q. Did you buy all the wood that you used at your house?—A. I bought, the first winter I was there, over 10 cords of wood for my own use; paid $4 a cord for it.

Q. Did you buy all the wood that you used at your house?—A. I think I did. Well, I may have had some there that Mr. Michelet left. I don't recall now.

Q. Were you authorized to use this coal by the department?—A. Not until that question was taken up.

Q. You knew that was Indian property, didn't you?—A. That had been the custom there at my house. The question had never been raised.

Q. Did you not know that all your predecessors had been in the habit of paying for the coal that they used?—A. I heard that none of them ever had paid for it. I did not know, only by hearsay.

Q. You only heard it?—A. Yes.

Q. How did you happen to follow what you call the custom?—A. Well, I think when I went there there was some coal left in the bin by my predecessor—a little. I took charge in May, and I think there was a little coal left then.

Q. Which year?—A. 1908.

Q. And then you followed his custom of——A. I supposed that there was no question about it until Mr. Linnen called my attention to it.

Q. In the winter of 1908 you used coal?—A. I used coal that was not paid for. I do not know what we had.

Q. Winter of 1908–9?—A. 1908–9. The department had not asked me to pay for it; there was a full report made of it.

Q. Well, you simply assumed that Agent Michelet had used Indian coal, because you saw some of it left in the coal bin?—A. Well, I understood that that had been the custom before my time with all the Indian agents.

Q. Who told you—from whom did you understand it? Did Mr. Michelet tell you that?—A. Well, I am not certain whether he did or not.

Q. Did your chief clerk tell you that?—A. I don't know whether he did or not, but I know one man that told me of it, and that was Mr. Goin, formerly the principal of the White Earth School; he told me that had always been the custom.

Q. Was not Mr. Goin removed?—A. He was, later.

Q. For what reason?—A. Well, it would be a very long story to put in here, but he was removed as the result of an investigation made by Mr. Linnen.

Q. Well, was not that for defrauding the Indians—taking property belonging to the Indians and using property that belonged to the Indians?—A. I don't think so.

Q. Well, I mean defrauding them.—A. No; I don't think that was charged. I have forgotten now all the details of it. It was quite a long report that Mr. Linnen made.

Q. If there was sufficient reason for the cause of his removal, can not you tell the committee why he was removed without going into details?—A. General inefficiency and neglect of duty were the principal charges.

Q. Nothing else?—A. Those were the principal ones.

Mr. GRAHAM. Was there any misappropriation of funds connected with it?

The WITNESS. No, sir; I do not recall that there was.

Q. Do you know how much coal was used during the winter of 1908-9?—A. No, sir; because we did not have any record of it.

Q. How did Mr. Linnen learn that you had coal in your bins?—A. When Mr. Linnen was there he went into every crevice around that agency, even into the barns, to look over the horses; I can not tell you how he learned it, unless he went for himself and saw it.

Q. And then he caught you and the chief clerk, so to speak, with the goods?—A. He didn't "caught" anyone at all; there was no concealment. I reported it to the department and asked for instructions, and had instructions hereafter to pay for the coal. No demand has ever been made on me to pay for what I or the employees used up to that time. I am ready to pay for it if they want it.

Q. Prior to the Linnen report, did you write the department?—A. No; the question was never raised.

Q. It was only after he caught you with the coal in your bin?—A. After he called my attention to it.

Q. Do you know what the value of the coal was that was in the bin?—A. Ten dollars per ton--we paid by the ton—Government price.

Q. Was there not something like $800 worth of coal in all the employees' bins—$700 or $800?—A. Well, I have paid so far $43 for coal; got some of it left. Now I burn more than any three of the others.

Q. You mean this winter?—A. More than any three, because I have a furnace; and this winter I have been burning soft coal in my fireplace. The others have stoves. The records will show here just what has been done.

Mr. GEORGE. When did you begin to burn coal?

The WITNESS. Well, we started our furnace probably in November. I can not tell you. My wife could tell you better than I can about those things. When it began to freeze and get cold, she started the furnace.

Q. How much did you use up to this time?—A. Forty-something; the records will show.

Q. How large a house is it? How many rooms in it?—A. There are three rooms and the hall downstairs, and there are four rooms and bathroom upstairs.

Q. Three rooms, including the kitchen, downstairs?—A. Yes; that is the house; there is a big kitchen that is not heated except when we have an extra fire out there in the stove.

Q. I would like to buy coal at White Earth. I have paid more than a hundred dollars for it.—A. We are not through with the winter yet.

Q. Up to this time I have paid out that much.—A. Well, I burn wood, too.

Q. So do I.—A. I have burned up 8 cords of wood this winter.

Q. What did you do after the department authorized you to buy that coal?—A. We had it weighed by the issue clerk and put into the bins of the different employees, and they paid for it, and the money was deposited with other Government funds.

Q. How much did they pay for it?—A. The Government price that I was authorized to accept.

Q. Can you state how much that was?—A. I can, from the records each year.

Q. Each year?—A. Yes; since we have been buying it.

Q. You knew that that was Indian property, of course, when you first started in?—A. So was the house that I was living in.

Q. Well, the coal—you consumed the coal? The house is still there.—A. Yes.

Q. Did the Government say to you when you started, when you were appointed, that you would get a certain salary a year in addition to fuel, lights, and heat?—A. Nothing said about fuel in my appointment. I was simply appointed by Roosevelt. Nothing said about it at all.

Q. What did the department state?—A. I do not think anything was said; the salary was fixed before I went there, and I expected to be paid the same.

Q. You used the fuel, then—you expected the Government to furnish you with fuel?—A. The wood I bought.

Q. You bought that that first winter?—A. Yes; I bought it of the Indians all along.

Q. Then, if you bought the wood the first winter, did you not know that you should have also bought the fuel—the coal?—A. It is as I have stated. That was the custom, and I followed it. I bought the wood and paid for it for my cookstove and for my fireplace.

Q. You have not given the names of anyone excepting Mr. Goin as your authority for using this coal.—A. Yes; I remember another one, the property clerk, Mr. Lederbauer, told me it had always been the custom, and I found later that he had always been supplied with coal, by my predecessor—or had supplied himself.

Q. He had supplied himself? Well, was there any authority which you found in your office, which permitted you to use coal purchased

with Chippewa funds?—A. Not until I asked for it, and then I got it.

Q. You never thought of asking for it prior to that?—A. No, sir; the question was never raised.

Q. How many employees are there at the schools?—A. That I can not tell from memory. I would have to look at the list.

Q. There was Mr. Eggers, Charles Eggers; was he an employee?—A. He is the principal of the White Earth School.

Q. What is his salary?—A. Thousand dollars.

Q. Who is the matron there?—A. Mrs. Short. I don't know her first name.

Q. Mary Short, isn't it?—A. I think so.

Q. What is her salary?—A. Well, that I can not recall. There are a good many of them.

Q. Was it not $600?—A. It may be, if that is so stated.

Q. Who is the disciplinarian?—A. The present disciplinarian is an Indian named Adams.

Q. What is his salary?—A. $50 a month, I think.

Q. How long has he been employed?—A. He is a recent arrival; he is band master and disciplinarian.

Q. Who was his predecessor?—A. Charles Kennedy, another Indian.

Q. He does not belong to the Chippewa Tribe, does he?—A. No; I think he is a Sioux.

Q. And what is Simon Adams, the present disciplinarian?—A. I think he is a Chippewa, I don't know. He is an Indian—graduate of the Indian schools, recommended to me by Supt. Peirce, or Inspector Peirce.

Q. Who is the assistant matron?—A. Well, she is a temporary employee.

Q. Who is she?—A. Well, sir, I can not tell you.

Q. Miss Adams?—A. Yes, yes; Miss Adams.

Q. Who is the cook? Or, let me ask you first, what is Miss Adams's salary?—A. I think, $480.

Q. Isn't it five forty?—A. Well, it may be.

Mr. GRAHAM. What is the full title of her office?

Mr. BEAULIEU. Assistant matron.

Mr. GRAHAM. Does that mean field matron or house matron?

Mr. HOWARD. Oh, no; that is not field matron or housekeeper. This is matron at the school. We have had difficulty in keeping efficient help at the salary allowed, and I think I had that pay raised for the assistant matron.

Q. Have you tried any White Earth people?—A. Several of them, in different capacities.

Q. When?—A. Ever since I have been there; they have been in frequently.

Q. And why were they—did they leave the service themselves?—A. The most of them were temporary employees. The positions would afterwards be filled by the department. These are all classified positions—civil service.

Q. Are there not a few members of the tribe who have passed civil-service examinations for that employment up there?—A. I can not say.

Q. Do you know Mrs. Warren?—A. Mrs. Eugene Warren? Yes.

Q. Is not she in the classified service—A. I do not think so.

Q. She is a woman with an unusually good education, is she not?—A. I do not know as to her classifications.

Q. Was she not a teacher at Grand Rapids, Minn., in the public schools?—A. I do not know.

Q. Did she not make application for a position?—A. She did.

Q. And why did you not employ her?—A. Do you want me to tell——

Q. Yes.—A. It was only for temporary employment, and I had already asked the department to fill it; the position was applied for; then she wanted to go to the White Earth school. She has a husband and children, and we could not accommodate the family up there very well.

Q. Did she not want the day school?—A. She did.

Q. And did not the people generally want her to get that position?—A. I do not know; but we have had a good deal of trouble in that day school, and I had applied to the department, and also to Mr. Peirce, to send me a competent teacher; and I also informed Mrs. Warren that it would be only temporary; and the teacher that came is there now and giving perfect satisfaction—sent by the department.

Q. But she is not a member of the tribe?—A. No.

Q. Who is the cook up there at the school?—A. There is a cook and a baker. The baker is Mrs. Machik.

Q. Mrs. Mary Machik?—A. Yes; she is an Indian. And the cook—we have had several cooks; there have been several changes. I don't recall just who is there at the present time.

Q. Minnie Reils, isn't it?—A. Reils; I think it is; and she is a dandy.

Q. What is her salary—$540, is it not?—A. That is probably correct.

Q. And the baker is $480—Mrs. Machik. Is she an Indian?—A. She is civil service—sent there by the department—I don't know; I don't think she is an Indian.

Q. Is Minnie Reils an Indian?—A. I don't know.

Q. Who is seamstress up there?—A. Miss Mary Lacy. She is an Indian.

Q. Belonging to White Earth?—A. I think so; she came from—I am not sure about that.

Q. What is her salary, $520?—A. Probably.

Q. Who is your laundress?—A. Mrs. Mahoney.

Q. What is her salary?—A. $40 a month.

Q. $520 a year?—A. $520 a year.

Q. Who is the teacher up there?—A. The teacher is Miss Eggers, and Miss Ritts. They are the teachers now.

Q. Miss Reil?—A. It is not Reil, it is Ritt. She is very competent.

Q. I am not questioning about competency. What are their salaries?—A. $50 a month, I think.

Q. $600 a year each?—A. That is my recollection; the records will show.

Q. Who is the engineer at the school?—A. Park Hill.

Q. What is his salary?—A. Mr. Park Hill has $66.66 a month.

Q. And who is the farmer up there—A. A man by the name of Braxton Johnson.

Q. What is his salary?—A. $50 a month.

Q. Who is the carpenter?—A. Frank Sayeece, an Indian.

Q. What is his salary?—A. $600 a year.

Q. Who is the harness maker?—A. Spratt, a mixed-blood Indian.

Q. What is his salary?—A. $500 a year.

Q. Who is the laborer?—A. The present laborer is Mr. Smith, an Indian, a Manypenny Indian.

Q. What is his salary?—A. $500.

Q. Have you another laborer there at the school?—A. I don't think so now. They change.

Q. How many laborers have you had around there?—A. At the schools?

Q. Yes; at the schoool.—A. Oh, they change. They come and go.

Q. Have you not had two men employed around your house and your gardens during the summer?—A. I have two laborers employed as teamsters, laborers, at the agency office, who are detailed to do any work that they are called upon for.

Q. Then you call upon them to go and do your own personal work in your garden during the summer?—A. We have an experimental garden there, Mr. Beaulieu, that I have endeavored to make a success of at my own expense. I bought 500 strawberry plants the first year, and I had quite a strawberry bed for two years. I have an asparagus bed. I have raspberries. I have blackberries. My predecessor had set out an orchard, but it is nearly all gone. We have raised corn. We have raised potatoes. We have raised other vegetables, and those vegetables have been used by the employees at the agency—these two Indians you speak of, as well as myself—and we have also sent some up to the hospital. Last fall I gave away vegetables to those who would come for them. I gave one Indian a wagonload of cabbages—Robert Beaulieu. There is a big load of cabbages in my garden now that froze up they didn't want to take away. I gave away potatoes. I had 100 bushels put into the agency root house, and those Indians are helping themselves and getting their supplies from it; that is, the agency garden.

Q. Now, which families are helping themselves?—A. The two employees, Louis Bloom and Dave Sayeece. Those are the only two employees there now.

Q. They are the only ones "helping themselves"?—A. They are the only ones who are there.

Q. You speak of the Indians "helping themselves."—A. When they are around there; that is, working around there.

Q. Usually just the employees help themselves?—A. Yes; and anybody else. I never refuse them.

Q. What salaries do those men get a month?—A. One of them $500, I think, and the other $480 a year.

Q. And they did work in your garden, principally?—A. Why, that was a very small part of it. There is only about an acre of that garden.

Q. Is that all?—A. Well, I don't think there is much more. A good deal of it is set out to apple trees and small fruit—about an acre that we cultivate, perhaps.

Q. Is there not 5 acres in that garden patch?—A. I do not think there are 5 acres in the whole business, taking the buildings and all. I don't think there is. I never measured it.

Q. Was not Beauchamp your gardener there?—A. He worked there for a while; he was not specially gardening.

Q. He worked in your garden a great deal?—A. When there was work to be done there he did it; he helped himself to vegetables when he was there.

Q. What did you do with the large number of vegetables raised in that garden ever since you have been there?—A. Well, we have filled our root cellar, and every spring what was left of the potatoes we have given to the Indians for seed potatoes. One spring they had 30 bushels which I gave them.

Q. I would ask you the same question the chairman has frequently asked me: Whom do you mean by "we"?—A. Myself and my issue clerk.

Q. You are a good deal like me. I am a newspaper man, and I always say "we," and maybe I am excusable for using the word "we."—A. Well, the stuff was considered as a sort of a general supply for my family and for the issue clerk's family and for the Indian families who would take them.

Q. It was a sort of partnership affair, then?—A. It was generally understood that it belonged to the office.

Q. And the salaries of those men who worked in your garden were being paid from the Chippewa tribal funds?—A. They worked in the garden, the same as I or Mr. Dummert did, whenever there was anything to do. It did not take much time to run that.

Q. You say you used that as a sort of experimental garden?—A. I tried to.

Q. How many Indians came there to try to learn to raise strawberries?—A. There were a good many came there to look at them. Another thing I started—onions. I had quite an onion bed, and we have carried that on over at the school; this year we had over 400 bushels of onions raised in the school gardens.

Mr. GRAHAM. Major, do wild strawberries grow up there?

The WITNESS. I have had trouble with the blight.

Mr. GRAHAM. But the wild strawberries?

The WITNESS. Yes; they do, fine. The cultivated ones were not a success, though. They were blighted, and I lost the whole thing.

Q. Did you not have a farmer there to teach the Indians how to farm and raise strawberries, or anything that he could raise?—A. We have had several farmers.

Q. Did you not have one at this particular time?—A. I think there was one at the school. David Sayeece, I think, was the farmer at the school.

Q. Dave Sayeece?—A. He was at the school a long time; some of the time he was farming.

Q. Did you not say that Braxton Johnson was the farmer?—A. He was sent there by the department, a civil-service man.

Q. This Braxton Johnson, is he an Indian?—A. No.

Q. What kind of farming does he teach the Indians?—A. He has not been there a great while. We raised this year at the Government school over a thousand bushels of potatoes. We raised 400 bushels

and odd of carrots; we raised about a thousand bushels of rutabagas. We raised about 7 or 8 acres of corn. We raised beets and onions. The work at the school farm was done by the farmer, and by the laborers, and by the big boys. The school raises its own vegetables. This year we had quite a surplus.

Q. You had quite a surplus? What surplus did you have?—A. Well, we gave away a large quantity. I can not give you all of it.

Q. About how much did you give away?—A. There was about 200 bushels of onions, one item that was given away; the Indians, they came and got them.

Q. Any cabbages?—A. Yes. The Indian women came there and dug potatoes.

Q. You gave away potatoes? How many?—A. I couldn't tell you.

Q. About how many?—A. I couldn't tell you.

Q. Ten bushels?—A. Oh, whatever surplus Mr. Eggers thought he had was given to the others.

Q. That was in your garden?—A. No, no; in the school garden. In my garden I gave away potatoes; the Indians came there and dug them.

Q. How much did you give away?—A. Well, the chief of police got his potatoes there.

Q. About how many bushels?—A. I don't know. He helped himself, dug them, or his wife did, and there were some others got potatoes there.

Q. How many cabbage did you give away?—A. We gave away lots of them; I don't know how many. I think I raised in that little garden over 600 cabbage; I didn't count them, I estimate it.

Q. Did you raise any potatoes for that winter's use?—A. Yes; and for the men who were there, and for seed in the spring.

Q. Also for the clerk?—A. No; the clerks have their own gardens. Dunton, the chief clerk, and Mr. Dennis and the doctor has his own garden.

Q. And who else besides you had an interest in the garden? I understood you to say it was the chief clerk?—A. The issue clerk—the property man.

Q. Did he get enough for his winter's use?—A. They are all together. They are all in the root house now together.

Q. About how many bushels?—A. We must have put in 125 bushels, probably. I don't know as they measured it.

Q. And how much cabbage?—A. Well, I can not tell you that. We raised about 600 head. But they were not all put in the root cellar.

Q. How many strawberries?—A. Didn't have any. I had a patch, but it was blighted.

Q. How large a patch?—A. Oh, I had—first I had four rows and next year I had a bigger one and they blighted, and this year we did not have any; plowed it up.

Q. Then you had an orchard—some apple trees?—A. There were a few trees there; they are not a success.

Q. Do you not consider that that is a pretty big crop on 1 acre of land? You stated there was about 1 acre of land.—A. That we had under cultivation, not figuring the apple trees.

Q. Well, then, if you had under cultivation 1 acre of land, would you not consider that several hundred head of cabbages, potatoes

enough for yourself and the issue clerk, and a whole lot to give away would be a very big crop for 1 acre?—A. I never measured the land; the cabbages were set out among the apple trees where they had plowed and the potatoes were down in the garden where we plowed it.

Q. You stated there was 1 acre.—A. I never measured it. It may have been more.

Q. There is a considerable amount to do, is there not; enough to keep two men busy all summer?—A. Why, no; there was not; it would not keep a man busy one day in the week, the whole thing.

Q. Now, you had a farmer there?—A. Not at the agency. The farmer was at the school.

Q. How far is the school from your house?—A. He did no work around the agency.

Q. None whatever in the garden?—A. No, sir. He was employed at the school.

Q. Was not it necessary for him to go to the garden and oversee the work?—A. He never came there that I know of.

Q. Who had control of that work in your garden?—A. Mr. Dummer, the property man, here.

Q. He did all the work?—A. He oversaw it.

Q. Have you not competent farmers among the Indians, members of the reservation?—A. Yes; got one there now, Sayeece, he is driving time for me there; a good farmer.

Q. Can you give any reason why he should not be the farmer instead of the man who is now employed?—A. It is a civil-service position. I have endeavored to induce Mr. Sayeece to take the examination for it, but he has failed to do so. Whenever there has been a vacancy at the school, in the position of farmer, I have put him right into it. He is a very good man; but it would not be long before the vacancy would be filled by the department. It is a civil service, and these can only be temporary employees.

Q. Are all the positions up there under civil service?—A. No; not all. Those that I mention, those two drivers, they are not civil service.

Q. Are not the Chippewas of Minnesota paying for the salaries of all these people?—A. I presume they are. There are about 20 different funds.

Q. Do their treaties with the Government require them to take civil-service examinations if they are competent to fill the positions without taking the examinations?—A. I can not say about that. I do not know what the law is. The rule is that these positions at the school are filled by the classified service, by civil-service employees. It is all civil service, practically.

Q. And they all have to take the examinations?—A. Certain ones are exempt; the laborers, for instance, are exempt.

Q. Are not a great many Indians up there competent to take the examinations and have taken the examinations?—A. Some have, and we have got them positions.

Q. Do you know a young man named Lambert?—A. Yes, sir.

Q. He was engineer at the school?—A. Yes, sir.

Q. Can you tell why he left the service?—A. Yes; I have got it right here. Shall I read it to you? Here is a letter. Here are the statements. Do you want them?

Q. I don't care for those, unless you want them in the record.

Mr. GEORGE. What are they about?

WITNESS. They are about the mistreating of these boys.

Mr. GRAHAM. I don't think we care for them; they do not seem to be material.

WITNESS. I would like to have them go in, and I want my remarks to go into the record. I have been severely criticized in this connection, and this is the only time I have had a chance to show it up.

Mr. GRAHAM. In the absence of any explanation, the statements by the boys now in your files would seem to justify the dropping of that engineer, but I hardly think it is worth while to encumber the record with your statement.

Q. Maj. Howard, did you request Mr. Lambert to resign?—A. I think he did resign after this showing.

Q. After this showing?—A. Yes. We had the matter up there; I can not from recollection state just what occurred, but he resigned.

Q. After he resigned, did you not recommend him to a position at some other agency?—A. Some other school? I may have done so. I have always tried to help those fellows when I can.

Q. If he was the character of man that you represent him to be, was he worthy of that position which you recommended him to fill?—A. I have always felt it was good policy to give a man a second trial, if he wanted to make good—to help him what I could.

Q. If you wanted to give him a second trial, why didn't you give it to him at White Earth?—A. I didn't think he was competent to handle the plant.

Q. If he was not competent to handle that plant, why was he competent to handle a plant somewhere else?—A. For a smaller school. He could run a traction engine or a stationary engine. We have there at White Earth a large heating plant.

Q. Do you know what kind of a heating plant they have at the reservation or at the school where you recommended him to?—A. No; I don't know what it was.

Q. That is the Sac and Fox school. That is in Iowa, is it not?—A. I don't remember where I recommended him.

Q. Was it a much larger school than the White Earth?—A. I don't know; but he did not make good there.

Q. Did he go down there?—A. I don't know. I think he went on a farm in the country somewhere. I think he is on a farm.

Q. After you had made this report against him—I mean this complaint to the Indian Office—he went on his farm?—A. I don't know. I think he did.

Q. When you were taking these reports, did you call him up and have him present when they were getting these affidavits?—A. I showed them to him, or he was present, I don't recall which.

Q. How long was Mr. Lambert employed in that school as engineer?—A. I have forgotten the dates.

Q. About how long?—A. I think two or three months.

Q. And then, in order to show that he was not a good employee, you stated that the boiler was in bad condition?—A. The grates were burned out by the boys; he would leave them to run things.

Q. Mr. Lambert is a member of the Chippewa Tribe, is he not?—A. He is, I think.

Q. Did he not keep pretty close track of everything that was going on at the agency?—A. He did not, around the agency, or he never would have left those grates to burn out.

Q. But did he not keep pretty close track of what was going on generally?—A. He had tnough to do to keep him busy, if he stayed around there.

Q. He had enough to do to keep him busy, if he kept his eye on things?—A. Yes; and attended to his duties as engineer, it would keep him busy during the winter.

Q. Is not that the reason you do not employ members of the tribes generally, because they watch matters too closely?—A. Why, no, sir; I have a lot of them in my employ now, right in my garden, as you call it.

Q. Well, I mean the agency office.—A. Keep them right there in the agency office. Got Mr. Dailey there, and Miss Warren.

Q. You testified that she is not in there.—A. She is kept on my roll.

Q. But she has not been there for two years?—A. No; she has been detailed down here.

Q. How many clerks have you, all told, in your office?—A. Mr. West, Mr. Dailey, Peterson, Dummert, Kelsey—five.

Q. They are all under the civil-service rules?—A. All except the financial clerk.

Q. Did Mr. Dummert take the civil-service examination?—A. He did. He has been in the civil service for some time.

Q. Before coming to White Earth?—A. No; I think not before coming there, but soon after he came there.

Q. Where did he take his examination?—A. I can not tell you. He took it.

Q. You are sure he took the examination?—A. He is on the civil-service list now. I don't know when he took it.

Q. Can not you tell where he took it?—A. No; I would rather you would ask him; he is over there.

Q. Was he not your teamster?—A. At first I think he was, for a short time, until Mr. Lederbauer died.

Q. Was he in the civil service when Mr. Lederbauer died?—A. The position of teamster was not a civil-service position. He took Mr. Lederbauer's place temporarily, but was afterwards appointed permanently by the department.

Q. In the meantime he took the civil-service examination?—A. I can not tell you when he took that, but I know he is now on the civil-service classified list.

Q. Who makes up his reports?—A. He makes them.

Q. Is that his handwriting there?—A. This "Issues of supplies to Indians" was made by O. W. Dummert. He is the property clerk at the agency.

Q. Now, did not William Dailey make up these accounts?—A. They are all in Mr. Dummert's handwriting, I think.

Q. Did not Mr. Dailey for a long time make up the accounts?—A. After Mr. Lederbauer died?

Q. Yes.—A. It may be. I can not say. He may have assisted, but I doubt if Mr. Dailey is present at the issues now. He acts as interpreter on the issues on issue days.

Q. Only on issue days?—A. When we issue, he goes down as interpreter and assists on the issue.

Q. Now, I asked you about the number of employees, and I did not get through with those.

Short recess.

Q. Is Many Penny employed at the White Earth school?—A. He is now.

Q. Do you know what position he fills there?—A. Laborer.

Q. And as a laborer does he not keep showing the engineer how to take care of his engine?—A. The engineer with us there is a very competent man. He does not require any showing. I did not know that Many Penny was an engineer.

Q. Well, is he not taking care of the boilers at the schoolhouse now, looking after the engines?—A. Why, he assists, probably, if he is detailed to that. He is under the supervision of the principal of the school.

Q. But he is not an engineer?—A. I don't know.

Q. How many school employees have you at Pine Point?—A. I can not tell you that without referring to the record.

Q. I wish you would refer to the record and tell us how many you have there.—A. (Witness examines book.) There are six at the school proper.

Q. Will you please give their names and the salaries they receive?—A. The principal is Miss Page, $720. Elizabeth Smith, assistant matron, $45 a month, Indian. Sarah Swam, Indian, seamstress, $35 per month. Mary Taylor, Indian, cook, $33.33 a month. Lilian Adash, assistant teacher, $41.66. Annie Summers, laundress, $33.33, Indian. Indians, all of them, except the principal.

Q. Have you a farmer at Pine Point?—A. There is a general farmer for the reservation that makes his headquarters at Pine Point.

Q. What is his salary?—A. $1,200, an expert farmer.

Q. What does he do?—A. Goes over the reservation and shows them how to farm—instructs them.

Q. Whom has he been showing how to farm?—A. His reports show; last year he was pretty active in various places.

Q. Where?—A. It was at Pine Point, mostly. He went out from there.

Q. He was very busy at Pine Point?—A. That has been his headquarters.

Q. Where did he go to?—A. Anywhere in that country there.

Q. Then the statements of the witnesses who have testified before you are not true, that the Indians at Pine Point have not been farming?—A. They are getting ready to do considerable there next year, some of them.

Q. Well, they have no land, have they?—A. Some of them have land.

Q. What percentage of the Indians?—A. Well, that, I can not answer.

Q. Well, about——A. Some of these Indians who were here have had considerable breaking done this year, the past year.

Q. Those who were here?—A. Some of them.

Q. What percentage would you say have it?—A. I can not say. as to the Pine Point people.

Approved:

Q. Fifty per cent?—A. A good many full-bloods over there. Yes; I suppose there might be.

Q. How many of the reservation people have lands? Taking the reservation as a whole.—A. That is a pretty hard question to answer.

Q. Well, about how many?—A. I think 75 or 80 per cent a rough estimate of lands that have been alienated on the reservation belonging to adult Indians.

Q. From which portion of the reservation has this land been alienated, principally?—A. Well, wherever there was pine. That, I think, is practically all gone. Farming lands on the western portion of the reservation, I think, are practically all sold.

Q. What proportion of the lands of the reservation are pine lands?—A. Well, I can not tell you from recollection.

Q. Are not the Indians who have been finding fault with the sales of lands, who have declared themselves as mixed bloods at one time, and have since turned full-bloods, living at Pine Point?—A. Probably some of them.

Q. That is where you make frequent trips, is it not, to consult?—A. I am there frequently, as I am at other points on the reservation. Whenever anything comes up that I want to look after I go.

Q. Since you have been agent, then, the Indians have been quite prosperous here, have they not, at Pine Point?—A. No; they are not.

Q. Are they in destitute circumstances?—A. They are many of them very destitute.

Q. They have nothing to live on?—A. We have over there a great many sick—tubercular; there are quite a number of blind, who are receiving rations. They are not only destitute, but they are helpless.

Q. Well, if they receive rations, they are not destitute?—A. They would be unless we supplied them.

Q. They would be unless you supplied them, but you say they are receiving rations. Have you not hospitals on the reservation, or a hospital?—A. We have not. We rent a small building of the Episcopal Church at White Earth.

Q. How many patients there now?—A. About a dozen, probably. It has a very limited capacity.

Q. What would you call the capacity of that hospital?—A. I think it is about ten or a dozen.

Q. Have you not a home for indigent people and old folks?—A. We have, and it is full all the time.

Q. How many persons are there now?—A. I could not say without the records, but I have had as many as 60 at one time.

Q. How many are there now?—A. I can not say without the record or the report.

Q. Are there not less than 20 there now?—A. I could not say.

Q. Isn't the whole top floor vacant?—A. No, sir; and when there is a crowd, they sleep on the floor, those that have not beds.

Q. How many are upstairs?—A. I could not tell you that.

Q. How do you know it is not vacant?—A. I know that they use it; sometimes it is so full that we can not accommodate any more up there.

Q. Well, there are 18 to-day, are there not?—A. I can not say without the monthly report.

Q. And you can accommodate 60?—A. We have fed 60, but we could not sleep them all there.

Q. But there are 18 to-day?—A. I could not say.

Q. You would not say that there are more than 18?—A. Not without the report. I have not been at home, hardly, for three weeks, and I have not seen the last month's report.

Mr. GRAHAM. Is there anybody here, Maj. Howard, connected with the agency, who does know?

Mr. HOWARD. Yes.

Mr. GRAHAM. Find out.

Mr. HOWARD. I think Mr. West knows about that.

Mr. WEST. I think 18 is correct. I could not say positively that there is only 18.

Q. No; if there are as many destitute people as Mr. Harper and Mr. Carr testify to, would it not be your duty to see that they are brought to the Old Folks' Home at White Earth?—A. We bring a great many there; some prefer to stay at home, and those we supply with rations when we have them.

Q. Well, if they are as destitute as the witnesses I have stated have testified, would it not be your duty to bring them?—A. We have no room for them.

Q. If there are only 18 there and you have room for 60?—A. No; we have not room for 60, but we have fed as many as 60. We slept them down in police headquarters and elsewhere.

Q. Would it not be better to have 60 people housed and protected and cared for than to have them in destitute circumstances?—A. That would only take care of a small percentage of the total. I have, I presume, a thousand applications for rations—a thousand people who have applied for rations, at a rough estimate. I am supplying those of the worst—the most destitute.

Q. A thousand people. Where do they reside?—A. All over the reservation; some of them live in the village of White Earth, some of them at Mahnomen; one of those at Mahnomen is John Carl's mother.

Q. She is at Mahnomen, is she?—A. She is; and with her daughter, Mrs. Bad Boy, when she applied for——

Q. As a matter of fact, does not John Carl take very good care of his mother, unusually good care of her?—A. I am told that John Carl has squandered everything that he had, and his mother's with it, and that he bought an automobile and could not pay for it.

Q. Who told you that?—A. His sister, Mrs. Bad Boy. She came to the agency to apply for rations for her mother, stating that she was destitute.

Q. Do you not know that that is one of John Carl's redeeming qualities—that he takes good care of his mother and visits her every month, sometimes twice a month?—A. Perhaps he is not financially able.

Q. Well, do you not know that that is his reputation upon the reservation?—A. No; I do not.

Q. Now, what does that farmer on the reservation, at a salary of $1,200 a year, do?—A. He was sent here by the department as an expert farmer.

Q. Well, what does he do?—A. Well, he is over there instructing them in farming, wherever he can get anybody that will do it.

Q. Well, then, the testimony that has been given by Mr. Harper and others is not right, is not true, that the Indians have disposed of all their lands——A. A good many of them, I think, have.

Q. —if they can keep a farmer at $1,200 a year to teach them?—A. Well, many of them have not teams, and I have not had funds that I could do the breaking for them. Wherever we could, we have endeavored to do it. We have given some of them some breaking and hope to do some more for them for the next year.

Q. Maj. Howard, would you believe a witness, a Government employee, if he came here and testified that that farmer that had received a salary of $1,200 a year had done two days' work in three months' time; would you believe that? I mean, if a reputable man came up here?—A. That is not according to my notion. I do not see him very often. He makes his headquarters there, but he sends in his regular reports of what he is doing.

Q. He sends in his regular reports that he is working every day?—A. Where he goes and what he does.

Mr. GEORGE. I did not get the name of this employee.

Mr. HOWARD. Clifford M. Ellis is the name of the expert farmer.

Mr. GEORGE. Where does Mr. Ellis come from?

Mr. HOWARD. Colorado.

Q. Is there a difference between farming in Colorado and in this State?—A. I think there would be, a good deal. Out there probably the irrigation is the principal feature.

Q. If a farmer was needed in White Earth, to teach the Indians how to farm, would not it be better to get a man who understands Minnesota farming?—A. I think there would be quite a difference in Colorado farming and ours here.

Q. Is he a genuine farmer, or is he a political farmer?—A. Well, I think he is a pretty competent man, from what I have seen of him.

Q. You have never seen him do any farming?—A. Yes; we had him at the agency awhile.

Q. I am under the impression that he is a pretty good man. He is a pretty good-natured man. Have you not also a field matron?—A. We have.

Q. What is her salary?—A. $720.

Q. What are her duties?—A. She is at Pine Point and visits from house to house under direction of the doctor there. She endeavors to instruct the people in sanitary ways and also in housekeeping.

Q. Has she reported what she has been doing at Pine Point?—A. Yes; we get the report every month.

Q. Does she report how many visits she makes each week?—A. This winter she has not gotten out very much. It has been too cold for her to get out, but during the summer and fall she went out a great deal.

Q. Did she go out last winter?—A. Not during the winter very much.

Q. What time did she come to Pine Point?—A. A year ago last December, my clerk says she came.

Q. And do you know whether she went out once among the Indians last winter a year ago?—A. Yes; she goes out occasionally, when

they are sick, to assist them; but during the winter she could not go very far.

Q. Well, she did not go out at all last winter, did she?—A. I think she did. I think she went out several times. I think she was over to Round Lake quite a little, among other places—several times.

Q. Where did she go there?—A. I could not say; she made a report of it.

Q. Round Lake?—A. Yes; she made the report—where she goes.

Q. Whom did she go to see at Round Lake?—A. I could not say without the report, but there was a good deal of sickness at Round Lake last winter.

Q. Where did she come from?—A. Pierre, S. Dak.

Q. She is an appointee, or rather it is through Congressman Burke that she came there?—A. I do not know. I never saw it so reported.

Mr. BURCH. Are you implying that she is a political matron?

Mr. BEAULIEU. She is a political matron.

Mr. HOWARD. She is a very competent woman, I think.

Mr. BEAULIEU. They are all competent.

Mr. HOWARD. Well, I think that woman is competent.

Q. Now, who pays for all these employees?—A. They are all paid from the civilization fund.

Q. From the Chippewa funds?

Mr. WEST. May I make a correction? The field matron and the expert farmer are paid from special appropriations, not from the Indian funds, but from Government funds.

Mr. BEAULIEU. Well, then, we do not care for that. Our understanding was that these people were paid from Chippewa funds.

Mr. WEST. No, sir; neither are the police—those are not.

Mr. BEAULIEU. The police are the only exceptions?

Mr. WEST. No, sir; they are not; the cruiser, Mr. Carr, who has been employed here, are paid from the Government funds also.

Q. They have always been paid from Government funds?—A. Not always; but they were this year.

Q. Well, we have no fault to find with the Carrs, because they have done good work. They are exceptions to the rule. As a matter of fact, how many employees have you at the Beaulieu School?—A. Not many. Delilah Trotterchaud, Indian, matron, $46.66 a month; Nettie Tourtellote, assistant matron, $41.66 a month; Lizzie D. Trotterchaud, Indian, cook, $40; Wallace E. Tourtellote, disciplinarian, Indian, $50; Grace L. Tourtellote, Indian, seamstress, $40; Annie Marsh, white, teacher, $50; Amelia Van Wert, laundress, Indian, $40; Peter Trotterchaud, laborer, Indian, $41.60; L. G. Perry, principal, $83.33. He has an Indian family.

Q. That accounts for so many Indians being employed at the school?—A. They are all Indians; one of the Tourtellotes is a Wisconsin Indian.

Q. Perry was the man I meant when I said that accounts for so many Indians being employed there. He doesn't belong to Minnesota?—A. No; but he has a Chippewa wife.

Q. Well, she doesn't belong to the Chippewas of Minnesota; none of the Tourtellotes belong to the Minnesota Chippewas?—A. I can not answer it. He is an Indian, I know, sent here by the department.

Q. Have you had any other special employees?—A. At Beaulieu?

Q. No; upon the reservation.—A. Two of the doctors are special.

Q. Have you had any other special employees?—A. The Farrs, while they were there, were special employees, I suppose. They are special now.

Q. They are temporary employees, aren't they?—A. Temporary.

Q. Have you had any others, besides those, since you have been Indian agent?—A. Yes; I have. I had some swamp-land cruisers, and I have had some fire wardens. During the summer, when there was danger of fires, we had some employees who were looking after fires.

Q. From what funds are those special employees paid?

Mr. WEST. I am not quite positive; I think the fire wardens were paid from Government funds. The others were paid from Chippewa funds. The cruisers, I think, a year or two ago were paid from the Chippewa funds.

Q. How many fire wardens were employed?—A. Two at Pine Point, one at Beaulieu, and there was one at Big Bend, until he died.

Q. What was the condition under which those employees were employed there? Were there any conditions?—A. Why, their duties were to see that those who were cutting timber on the reservation complied with the law and burned the brush, and also looked out for accidental fires, and to cooperate with the State fire warden forces.

Q. Were they not all men who supported you in their councils?—A. That did not cut any figure with me. Some of them opposed me.

Q. Which one opposed you?—A. Wah-wah-yea-cumig was one that I appointed. Sam Smith was another one that was not particularly friendly to me; but I appointed them because they were good men. John S. Rock, at Pine Point, one of the best men on the reservation, a practical man and a competent man; Frank Smith was an old cruiser and a pretty competent man in his line. Wah-wah-yea-cumig was at Elbo Lake, right near where the Nichols-Chisholm Lumber Co.'s land was, and there was great danger of fires there. Then Hatches was an old cruiser up at Big Bend, and a very competent man in his line. They handled the fire question very nicely.

Q. And at least two or three of those men were opposed to you at some times, were they not?—A. Well, Wah-wah-yea-cumig has never been particularly friendly, and is not now.

Q. And Frank Smith was also——A. Frank was never specially friendly to me, that I am aware of. I think he does his duty very nicely over there.

Q. Wah-wah-yea-cumig was particularly friendly to me, was he not?—A. Particularly so. I guess he is yet; I don't know.

Q. And after he was appointed fire warden, didn't he go down to Fergus Falls and testify against me?—A. I don't know; I was not at Fergus Falls.

Q. Was not Frank Smith opposed to you up to the time he was appointed fire warden?—A. That I can not say. Frank Smith at one time was a policeman and was relieved, but I appointed him as a fire warden because I believed he was a pretty competent man for the place, and he proved to be so.

Q. Was there any other special employees?—A. The doctors.

Q. You have already named the doctors.—A. I don't recall any. Oh, yes, yes; there is a watchman at the mill.

Q. A watchman at the mill. What does he do?—A. Watches the Government property there and delivers lumber on my order when we are building houses or repairing houses with issue lumber.

Q. How much salary does he receive?—A. $75 a month, and boards himself.

Q. Under the civil service?—A. No.

Q. Can not you find competent persons among the reservation people who could fill that position?—A. We have 600,000 feet of logs in the ice. The mill has got to be repaired, and this man is a practical millwright and mill man; he has had 25 years' experience. He has gone up to the mill as a watchman, at $75 a month, and is putting the machinery in repair. We understand that when the mill starts up he is to be put in as superintendent. Otherwise we could not have gotten him.

Q. When you started the mill, could you not have employed some one to look after it?—A. I wanted to make those repairs, so far as I could, this winter.

Q. Where does this man come from?—A. He comes from West Union, Todd County.

Q. How far is that from Sauk Center?—A. He lived about 10 miles from Sauk Center.

Q. Ten miles?—A. Yes. I knew the man to be a very competent man, or I would not have gotten him.

Q. How many employees have you from Sauk Center?—A. The two Carrs—the cruisers—come from Sauk Center; Mr. Dummert, the property man, came from Sauk Center; Mr. Kelsey, the attorney, as financial clerk, came from Sauk Center, and I was very fortunate in getting him.

Q. And you came from Sauk Center?—A. I came from Sauk Center.

Q. Well, Sauk Center is pretty well represented at White Earth?—A. Yes, sir; and we have some good men there.

Q. I don't doubt that. I don't deny that they are all good men.—A. This mill man has been superintendent for Clark & McClure Lumber Co., manager of their mills, and saw boss for a great many years. He is considered one of the best mill men in the State.

Q. Well, did you have any other special employees from Sauk Center?—A. Yes; a former financial clerk, Mr. Bartel, an attorney, was from Sauk Center. Mr. Kelsey is in his place now.

Q. Did you have any others from Sauk Center?—A. I don't know.

Q. Have you had any of the members of your family in the Government employ?—A. Yes; temporarily; my wife.

Q. What position did she fill?—A. She filled the vacancy of financial clerk for a short time after Mr. O'Brien had resigned unexpectedly until the present incumbent came to take her place.

Q. Did she not also fill positions prior to the time Mr. O'Brien was there?—A. We had her in the office on occasions to help out, but she was not on the pay roll. She was on the pay roll, I think, twice for a short period, temporarily, as financial clerk.

Q. Both times as financial clerk?—A. I think so.

Q. Was she under civil service?—A. No, sir; she is only temporary.

Q. Can you recollect the time that Mrs. Robert Bight, a Chippewa Indian woman, made application for the position afterwards filled by Mrs. Howard?—A. Yes; I do.

Q. Did she apply for the position?—A. She applied for a position as stenographer, I think, but we could only employ her personally, and I so informed her.

Mr. GRAHAM. Mr. Clement Beaulieu, there is no reason in the world why you may not sit inside the railing near your brother, Mr. Gus Beaulieu, if you wish to. Any time you wish to take a seat inside, do so.

Mr. GUS BEAULIEU. He can sit back there; he is a little backward.

Mr. GRAHAM. He can sit where he pleases. He can sit by your side if he wishes. It is quite proper that he should suggest to you if he wishes; quite proper.

Q. Did you fill the position that she wanted?—A. Yes, sir.

Q. Who filled it?—A. It was filled on my recommendation. I wanted a lawyer in that place, and I got him. Mr. Kelsey, an attorney.

Q. Do you not have any other special employees?—A. Who?

Q. I am asking you.—A. I don't recall any now. Perhaps you can refresh my memory.

Q. Isn't Mrs. West employed as a special employee?—A. In the office?

Q. No: I mean any——A. Mrs. West was in the civil service, and was employed at the boarding school for a long time, and then she was transferred to the day school, but not, I think, special; she is civil service.

Q. Well, she was employed at special work?—A. No; she was in the day school.

Q. When was she specially employed in the day school? What year?—A. 1910, I think it was, in the day school. She was not special; she was civil service, regularly appointed.

Q. Is she kept on the roll as a regular employee?—A. Not now; she was then.

Q. Was she not employed as special for a short time in a position made vacant by Mrs. McDougall?—A. She was appointed, not special; she was appointed regularly, and filled the vacancy there, or transferred from the other school. My recollection is she was transferred down there.

Q. She served that year 19 days, did she not, in June, the month of June?—A. I can not tell. The records will show.

Q. Her pay ceased in that month, didn't it?—A. The record is the best evidence.

Q. Did you not have another man from Sauk Center, named Chapman?—A. There was a man there as painter for a while that came from Osakis, I think; perhaps he lived at Sauk Center. He was there by the day as painter.

Q. Did he not go down to Sauk Center while employed as painter and do some work for you?—A. Not while he was employed there. I employed him there before he came, or afterwards, to paint my barn at Sauk Center.

Q. You sent him down from White Earth?—A. No; he was down there doing other work, and I wrote him to come up and paint it, and my recollection is that he did, and I sent him a check for it.

Q. You did not pay him from Chippewa funds, did you?—A. Not on your life.

Q. How many employees do you have in your agency office?—A. Mr. West, Miss Warren, Mr. Dummert, Mr. Dailey, Mr. Kelsey, Mr. Peterson, carried on my rolls, and Miss Wyman.

Q. Now, as compared with the work of the superintendent of schools on the reservation, how does the work of your office compare—as to the amount of work done by the superintendent of schools at the White Earth Agency?—A. Well, I am carried as superintendent of schools, superintendent of White Earth Agency.

Mr. GRAHAM. That does not quite answer his question. How does the work which you do compare with the work of the superintendent of schools?

A. Well, I am employed all the time, inside and out; a great deal of time is spent outside, visiting the schools and other points on the reservation, if I understand the question.

Q. Does not the superintendent of schools at Beaulieu carry a large property account?—A. The principal of the school there?

Q. Yes.—A. Yes; we have property for the schools, supplies for the schools.

Q. It is a pretty large one, is not it?—A. The property account? Why, only what the estimates call for and what has been approved.

Q. Well, how about the White Earth boarding schools?—A. We have supplies in the school, what is necessary to run the school.

Q. And the property account carried by the superintendent of schools is as large as your office property account, is it not—that is, for that school?—A. Why, no; he has only his one school; we have all. All the property accounts are returned to my office. They are made up there.

Q. They are all made up, and simply forwarded by you to the department?—A. We make them up from the reports that they send in.

Mr. WEST. May I make a correction?

Mr. GRAHAM. We want to know the facts. It doesn't matter where they come from.

Mr. WEST. The property accounts are made up primarily at different schools, and are sent in to the agency and there checked over and verified, so that the initial work is done at the schools.

Q. Does not the superintendent of schools, Mr. Eggers, do as much work as five or six employees that you have in your office when he makes up all the property accounts?—A. They only have to check over. He only has to make up for his own school. We make up, check over all of their work, and then make up our own—the issues and everything of that kind—and the cash accounts. All the expenditures, reports, all that work, was done in my office.

Mr. BEAULIEU. Have you been subpœnaed—has Mr. Eggers been subpœnaed?

Mr. GRAHAM. The gentleman is here, and if Mr. Beaulieu wants to ask him any questions, he may do so.

Mr. BEAULIEU. I will see.

Q. The salaries of the clerks in your office amount to $9,720. Could not the superintendent of the White Earth school, for instance, Mr. Eggers (I have never met the man to know him)—could he not do the work with about two aditional clerks?—A. We have in my office three less clerks than my predecessor had, and we have a great deal of work there that is behind now. Now, Mr. Eggers is a very

busy man at that school; there is a lot of business, and a lot of girls, and a lot of employees, and the property, and the routine to keep in line. And it keeps him pretty busy. He is a hard-working man. I would rather he would answer that question than me.

Q. Now, that is what I am going to ask about. The reason I want to ask that, we are aiming to save $9,720.—A. I have five clerks that work full time.

Mr. GRAHAM. Mr. Beaulieu, do you intend to call Mr. Eggers later?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. You understand about that, Mr. Eggers, and you will be here?

Mr. BURCH. He says he wishes to go home to-night; he will be back to-morrow.

Mr. GRAHAM. There is no objection to that.

I wish to make a statement, Mr. Beaulieu. I had not before thought it was necessary; but if there is at any time anyone here, any friends of yours, or anyone associated with you, whom you wish to have sit beside you, and suggest, or advise with you, by all means get him beside you.

Mr. BEAULIEU. Well, there are some reservation people here who know more about the facts than I do, and they are reluctant to come in.

Mr. GRAHAM. I had not thought it necessary to suggest it to you. I presumed you would ask them to do so, that you would assume that. So do not hesitate to have any of your friends come and sit with you and make such suggestions as they see fit.

Mr. BEAULIEU. I am very much obliged, because I realize I have the whole United States Government against me and a lot of trained lawyers, and it is pretty hard to go up against trained attorneys.

Mr. GRAHAM. Well, as to the Government being against you, I do not quite admit that; but you are doing very well, although not a trained attorney. Indeed, I think a trained newspaper man has a little the advantage over a trained attorney; but I want you to feel that you can have any help you can get.

Mr. BEAULIEU. All right; thank you.

Mr. GEORGE. Is there anyone you would like to invite inside now?

Mr. BEAULIEU. Well, I will talk with them.

Mr. GRAHAM. Use your pleasure about it.

Q. Do you know, Maj. Howard, what is the average attendance at the schools upon the reservation?—A. Not without referring to the reports. I can tell you something about it.

Q. Well, about how many?—A. There are about 1,800 children on the reservation. About 1,300 of them, if I recall, are of school age. Of that number we have 124, I think, at the White Earth boarding school. We have about 50 at Pine Point school. I can not be accurate without the reports. About the same number at the Beaulieu boarding school. Then there are day schools at Beaulieu, at Duane, at Elbow Lake, at Round Lake. At White Earth we have an attendance of from 15 to 40 or 50. There are some children, perhaps 200, away at nonreservation schools. There are, perhaps, as many more or half as many more attending the public schools. Then there are quite a number who are disabled—not able to attend any schools—by

reason of trachoma, tubercular, and other troubles. That is a rough estimate of the conditions there.

Q. How do the schools teach the children up there? Have they any course that they give them, or do they teach them as they do in the public schools?—A. To some extent the public-school routine is followed. But some of the children are not able to stand that and they have lower grades in the boarding school at Beaulieu, and I don't think they have gone beyond the fourth grade. At Pine Point I think very few have gone beyond the fourth grade. Some of the children at Beaulieu day school are more advanced.

Q. Which school do you consider the best school upon the reservation?—A. To-day, under the management of Miss Cavalier, at the White Earth boarding school. She is a dandy. She is the best teacher, Mr. Peirce tells me, that he knows of in the Indian service—that is, in the day school, I mean.

Q. How do you consider the Catholic school as compared with the Government school?—A. I am not familiar with that; but they are doing very fine work over there.

Q. Isn't that the very best school in the Indian country anywhere?—A. I couldn't say; but our White Earth school, under the Rev. Father there, is doing fine work.

Q. Doesn't that receive Government help?—A. No; they are not getting Government help. I think none of them are now.

Q. How many children have they?—A. I am not able to say.

Q. Do you think that a school of higher education would be a good thing for the Chippewas?—A. I am glad you have asked me that question. I think it would be greatly to the advantage of the White Earth Indians if they had a school on the reservation or had increased school facilities there of sufficient capacity so that it would not be necessary to send our more advanced pupils to the nonreservation schools. That is my opinion.

Q. Do you not think that a school for higher education at a sufficient distance away from the reservation, where parents could not get hold of and control their children, would be better than upon the reservation?—A. Well, if you send them away, Mr. Beaulieu, the same condition would arise. A great many of them object to having their children go away from home, as you are aware. We have a great deal of difficulty to overcome that objection in some cases.

Q. That is, send them away to Carlisle or a great distance?—A. Well, away from the reservation. They object; a great many do.

Q. Well, suppose a school was built somewhere in this State, would that not be a good thing?—A. It perhaps would be, if you mean after the fashion of Carlisle.

Q. Similar to that, only I think we are going to introduce evidence here to show that the Indians are in favor of higher education by building another school or else have a scholarship. We have what we call a school board, although they have been serving without pay, and they have not done much work; but we have a school board upon the reservation whose testimony we shall introduce here to show why we think it may be a good thing for the Indians to have their scholarships or a place where they can get a higher education.—A. I didn't finish my answer. We have such a school already in Minnesota, at Pipestone.

Mr. GEORGE. How far is that from the reservation?

WITNESS. Probably 200 miles southwest in a direct line. By rail it is more.

Q. That is a school that is supported by the Government, is it not?—A. Well, it is an Indian school. We have children there from White Earth.

Q. They also have a school about 20 miles farther, at Flandreau.—A. That is not in the State.

Q. But they teach them a half day and they work the other half, don't they?—A. Industrial teaching is one of the main features at both those schools.

Q. But where the boys have learned to farm and are pretty well equipped for higher education, would it not be a good thing to have a place where they could go at the expense of the Chippewas of Minnesota?—A. I would say yes. Anything that would result in the improvement of those children and putting them in condition so that they could provide for themselves when they grow up—anything that will do that.

Q. Do you not believe that it will be better to allow the Indians to have control of their own matters from the time they are 21 years of age until they are 40?—A. If they are properly fitted and competent they do now.

Q. Well, what do you call properly fitted?—A. Well, the competent Indians handle their own affairs now.

Q. Provided they are educated?—A. The mixed bloods are their own masters.

Q. Only at White Earth?—A. On the White Earth Reservation; yes. I am speaking of them.

Mr. GRAHAM. Do you mean, Mr. Beaulieu, that the Indians should have charge of their tribal affairs and have the direction of those affairs?

Mr. BEAULIEU. No, no; of their personal affairs.

Q. Would you not be in favor of throwing a young man who is capable of work upon his own resources from 21 to 40?—A. Well, they are now upon the White Earth Reservation.

Q. Not the full bloods. Would you not raise the restrictions from all Indians throughout the country? That is, in Minnesota, any way?—A. No; I don't think I would. I think there are a great many of them—in fact, the solution of this Indian question, in my opinion, is education along industrial lines to fit these children to take care of themselves. Now, there are a great many of them who do not know how to do anything. A great many of them are disinclined to work where they have an opportunity. I think one of the principal features in all the Government schools, in fact, I would make it very prominent, is industrial teaching. I would teach the boys to be blacksmiths, to be carpenters, to be shoemakers, and teach them all other trades; teach them to be stenographers and clerks, and fit them for that. I would teach the girls to bake and cook, and wash and mend and make their own dresses. One of the principal things I would teach would be cooking. A good cook can always get employment at good wages, because the world is always hungry. Some of them are very apt in those branches. Some of the girls we have at the White Earth school are. Now, I have been over on one occasion where the girls had a little party. They made the cakes, they

made everything that was on that table, and it would be a credit to any of the American colleges, in my opinion.

Q. Do you not think it would be a good thing for the people of this State generally, the citizens of this State, to teach the Indians how to work, teach them how to farm, and teach them the different trades that you have spoken of, without compensation, and at the same time pay them salaries, which they would have if the Indian were thrown on his own resources or compelled to work?—A. My understanding is that a good deal of that is going on now. These boys, a great many of them, and men from our reservation, during certain seasons of the year, go to Dakota. They work in the grain fields, seeding, haying, harvesting; they always find, or generally they find, ready employment in those vocations; and it has been my policy since I have been here—or rather the policy of the department which I am carrying out—to encourage the Indian men and Indian women to leave the reservation and seek employment outside. The department has a bureau, at the head of which is Mr. Dajenay, at Denver. He is constantly looking out for children who have graduated or have left those advanced schools, and a great many of them have secured employment through that source, and some of them are making good. We have from these reservations quite a number in the city of Minneapolis. There was one girl in a lumber office. There were one or two girls in the Glass Block, and there was a girl in a railroad office, I think, a stenographer, and they are making good there, and several boys along the same line. I hear from them occasionally, and they are making good. There are others in other good places that I can not recall.

Mr. BURCH. Including our office in this city.

WITNESS. Yes; several of them in this city, and I have one in my office in White Earth.

Q. Well, if they are competent to fill positions outside of the city would they not be competent to fill positions in your office?—A. Some of them are filling positions in my office now.

Q. How many?—A. I have three there, Indians, who are employed in my office.

Q. In your office?—A. Yes. Mr. Porter, Mr. Dailey, and Miss Warren are carried on my rolls. They are all very efficient.

Q. They are carried on your rolls?—A. Yes.

Q. How many are working in the office?—A. Well, Mr. Dailey directly in the office, Mr. Porter in and out.

Q. Isn't it a fact that a great many people on the reservation find employment with the farmers?—A. I couldn't say about that.

Q. Do they not find employment in the towns of Mahnomen, Ogema, and Callaway?—A. Well, there are not many chances in those towns. Not many can be employed. There are some probably that are employed; I know of some at Mahnomen. One, Mrs. John Carl. She is working in the county auditor's office, and I know some of the mixed bloods are employed at White Earth, driving teams and otherwise employed there. Some of them are in the stores.

Q. How many has Mr. Sproftka in his mill at Strawberry Lake, 10 miles farther?—A. Mr. Sproftka has quite a number there, but he is having a great deal of trouble with them and, in fact, he notified me lately that unless I could do something to arrest the whisky

traffic over there he would be compelled to discharge his Indian employees; that certain parties were bringing in whisky there, and that he was having so much trouble he could not stand it much longer.

Q. That was about one man drinking whisky?—A. Oh, he told me of several. One was Joe Critt's son, and he named some others that he suspected, but he hadn't the proof.

Q. Do you mean to say that Joe Critt's son is selling whisky?—A. It was so charged.

Q. Hasn't Joe Critt's son worked constantly and not lost a day for a year and a half with a farmer at White Earth?—A. His name was Critt, whether it was Joe's son——

Q. You are not friendly to Joe Critt, are you?—A. Yes; I am. He is an old Grand Army veteran, and I am always friendly to those fellows.

Q. Have not the farmers, generally, employed Indian help around on the reservation?—A. That I could not answer.

Q. Have you not heard of several who have employed Indians all the way from three months to three years?—A. Why, I don't recall. Whatever employment there is on the reservation, or whatever places are open, I think are generally filled with Indians.

Q. Do you know an Indian by the name of Ojibway up there at Beaulieu?—A. A young man?

Q. Yes.—A. I don't seem to place him.

Q. There are a great many farmers on the reservation, are there not?—A. No; not so very many.

Q. In Mahnomen County?—A. There are some, but a large proportion of the country there is uncultivated.

Q. Are not a number of them at White Earth, west from Ogema?—A. Yes; a few, but a great deal of that country now is not under the plow, between White Earth and Ogema.

Q. I mean west of Ogema?—A. Well, west of Ogema it is more cultivated.

Q. Do they not employ Indian help a great deal?—A. I could not say. Those are mostly white men over there. I could not say.

Q. I know. Have not the Indians profited by the passage of the Clapp Act in that way, that the farmers have come in on the reservation and are now employing the Indians, generally, where, before, the Indian could not find any place to work?—A. Do you want me to answer that question as I believe?

Q. Yes, sir.—A. I believe the Clapp Act has been very detrimental to the interests of these Indians, in general.

Q. Well, that is hardly an answer to my question.

Mr. GRAHAM. Let us get started right now. Read the question, please.

Question read.

Mr. GRAHAM. The answer is not quite responsive to that question and calls attention to a particular phase of the Clapp Act, namely, that it brought the white man on the land in the neighborhood, and isn't it thereby a benefit to the Indian in offering opportunities for employment?—A. Well, I may answer further. There are undoubtedly many farmers that have come in there that, during a portion of the year, give employment to those people—some of them—but I don't think there are any great number of hired help on those farms from the fact that the farms so far are generally small in area and the

farmers that come in there—many of them—are new and are unable to hire much help until they get further along. They are breaking and starting, and some of them are not—well, I know one man over there, he broke up a large amount last year over west of Ogema, and he didn't get much of anything this year on it. They are new. The ground is there, but it needs money to put it under cultivation. That is coming though; it is working out.

Q. Do you not think if these prosecutions that you have started here were settled in some way, conditions would be a great deal better upon the reservation here?—A. That I am not prepared to answer, for I don't know. I suppose there are some people who are sustaining financial loss for reason of the fact that they are not able to get rid of the lands that they bought. Now, that element, land buyers, are feeling it pretty severely.

Q. And so are the farmers, are they not?—A. No; not many of them. Those who have bought lands and are cultivating them. I think there are very few, though, who are involved in the suits. That is my understanding.

Q. Have not the farmers hesitated to cultivate the lands that they own up there, on account of these suits?—A. I can not answer that.

Q. Haven't you heard that?—A. No; I don't know that I have. I have heard this: That some of them have hesitated about buying on account of questions about the title.

Q. When you first came there, how much land was under cultivation when you first came upon the reservation?—A. By the Indians?

Q. By anyone?—A. I can not answer that.

Q. Well, isn't there much more land under cultivation now than when you came to the reservation?—A. I think there is.

Q. And has not the reservation been benefited by the cultivation of lands there?—A. Any country is benefited by the cultivation of its soil.

Q. Now, before the passage of the Clapp Act, were there any farmers from Callaway—between Callaway and the northern boundary of the reservation?—A. I can not answer that question, because I was never there until 1908.

Q. Did you ever hear that there were practically no farmers between those two points?—A. I can not say. I can not answer that.

Q. Isn't that country pretty well settled and are not a great many farms opened there?—A. West of Callaway?

Q. No; between Callaway and the northern boundary of the reservation, west of the railroad track?—A. Yes; a great deal of it is being settled.

Q. Those lands have been occupied about 40 years by the Indians have they not?—A. Well they have had it, I suppose, ever since they came here.

Q. And for 35 years have made no use whatever of it?—A. That is my understanding. My information is that at one time they did a great deal of farming. I have been informed that about the time Maj. Raffey was here a large percentage of the Indians on the reservation were self-supporting. I have been informed that under Maj. Raffey the Indians bought ox teams and they cultivated a great deal of land. That in the fall they were assisted to harvest by a Government threshing machine and threshed their grain; that a certain amount of that grain was sacked up at the machine, labeled, and the

Indian got a receipt for it and carried it to the Government warehouse. He was permitted to sell the remainder. That in the spring the Government farmers, some of them, got out and stirred things up and got the grain in and this seed was returned and put in again. I have been informed that the first break was when authority was given to the Indians to exchange their oxen for horses; that many of them exchanged their work oxen for worthless bronchos, which were only fit to ride, unable to haul or plow. I was posted on this matter very thoroughly several times by Mr. Joe Lederbauer. He was there at the agency under me, until he died, as issue clerk. He was a very well-informed man. Mr. Lederbauer told me these things: That under the Clapp Act, when they began to sell, they practically quit cultivating the soil.

Q. How many were cultivating lands when the Clapp Act was passed?—A. That I could not answer; I don't know. I employed a great many of them. There are evidences all over the country of that cultivation.

Q. As a matter of fact, are there not more people cultivating their lands and that have better homes than they had prior to the passage of the Clapp Act?—A. That is not my understanding, as applied to the Indians.

Mr. GEORGE. Does that apply to your residence here? You came here, you say, in 1908?

WITNESS. I came in 1908.

Mr. GEORGE. How has the progress been as to the cultivation of lands?

WITNESS. Among the white people cultivation has increased.

Mr. GEORGE. Among the Indians?

WITNESS. It was practically nothing when I came here.

Mr. GEORGE. Among the mixed bloods?

WITNESS. Some of them had cultivated. I know one man who had about 2 acres, Ish-quay-go-be; and I know several Indians who were cultivating and had good farms. Some around Beaulieu are cultivating their farms now and are good farmers. There are some over at Callaway. Some of the best farmers on the reservation are people of Indian blood who reside around Callaway, and some at Waubun.

Mr. GEORGE. Well, do you mean to say that there are more mixed-blood farmers now, or fewer, than when you came?

WITNESS. Well, some of these more prominent mixed-blood farmers that were here then are, I think, still farming their lands. Some of them, I know.

Q. Did the people who are known as full bloods farm their lands at all, or did they make any use whatever of their lands prior to the passage of the Clapp Act?—A. That I can not say.

Q. Have you not heard that they made absolutely no use of the land?—A. That I can not answer, how that was. Some of the full bloods are farming now, that I know of.

Q. Those that are farming now have always farmed?—A. Yes; I think so.

Q. But those that have no farms now never had any farms?—A. I think there was a great many of the full bloods that did not farm.

Mr. GEORGE. A majority of them?

WITNESS. Perhaps so.

Q. Once in a great while you would see a man who had a little garden among a certain class of Indians. Is not that so?—A. Well, it is now. We go out and plow the gardens and help them seed them: but some of them will only cultivate a small garden.

Q. Do you believe in keeping a large majority of the Indians upon the reservation in a state of doubt (I mean the mixed bloods and all) on account of a few who do not work?—A. I don't understand the question.

Q. Keeping them in a state of doubt regarding their condition because a few of them refuse to work.—A. Well, I don't get that yet.

Q. Well, I will put it differently, then. There are a great many Indians—and I include the mixed bloods—who are working upon the reservation cultivating their farms, who have not sold under the Clapp Act, but who have surplus land to sell, and who can not sell the land on account of the doubt that has arisen on account of the prosecution by the Burch force. Do you believe it is right to keep those back in the condition they are now in on account of the doubt?—A. Well, my understanding is that pretty nearly all the mixed-blood Indians have sold their lands.

Q. Well, that is not an answer to my question. I didn't ask you whether any mixed bloods had sold.—A. You were asking me if I thought it was right to keep them in doubt.

Q. Do you think it is right for the Government to commence prosecutions and raise doubts against titles of lands upon the reservation and yet keep matters in doubt on account of the objections of the few Indians who never worked?—A. Well, now, if you will permit me, I will say that, as an official of the Government, I do not think it would be proper for me at this time to criticize the Government's actions.

Q. You then have a little doubt about the action of the Government, because you hesitate to criticize them?—A. I would not be willing to make any statements that might be construed as a criticism.

Q. Well, I believe that—I don't think the Government would bring it up against you if you stated your opinion very candidly to the committee. It should not, anyway. But, then, I won't press the question. Do you not think it would be a good thing if a competent committee, even if it should be selected by the Interior Department—we don't care who it is selected by—should come out here and listen to the evidence of both sides and classify the full bloods and mixed bloods? That is, provided that classification were made under an act of Congresss.—A. Well, that has already been done, perhaps, in some instances. Now, I will say, candidly, that I do not think the Apostle Paul could come onto this reservation and make a classification of the mixed bloods and full bloods that would be satisfactory to everybody.

Q. Well, couldn't an intelligent man come here and state whether the daughter of a white man and Indian was a mixed blood or a full blood?—A. I think that would be an easy question to answer.

Q. Evidently Mr. Hinton was unable to do so, because, on page 47 of the Indian roll, Odish-quash-gwon-abe, or Mrs. Bellanger, is reported as a full blood, although she is a well-known mixed blood upon the White Earth Reservation. She is the wife of Joe Bellanger. Her allotment is No. 1528; original allotment, No. 1190. Could

not a competent commission come and learn whether such people as that were mixed blood or full blood?—A. I could not answer that question, Mr. Beaulieu. It would be an opinion.

Q. Well, if that was a fact, could not they learn that the woman had a white father and an Indian mother?—A. If the evidence showed that the woman had a white father it would be evidence that she was a mixed blood.

Q. If the evidence showed that she had a white father and had two children, would not it be proper to place them on the mixed-blood rolls?—A. I should so understand it.

Q. Well, isn't Charlie Bellanger a mixed blood?—A. I could not say.

Q. He lives in Fish Lake?—A. I could not say.

Q. Do you not know the children of John Fairbanks, the uncle of Ben Fairbanks?—A. Is that the old soldier?

Q. No; he is a brother of the old soldier. John is dead. I did not know but what you might know him. They have Indian names. Ah-kah-kunze was one.—A. Why, probably when I see them I would know them. There are a great many Fairbankses now; I can hardly name them.

Q. Well, I can not lay my hands on them immediately, but in examining those rolls we found that they were carried as full bloods.

Mr. GRAHAM. Do you want a copy of the Hinton roll?

Mr. BEAULIEU. I have a copy, but I would have to have the original schedule for this.

Q. But do you think that that roll should be made over?—A. I presume there are a great many errors on that roll, and I do not think a perfect one could be made. I was with Maj. Hinton, or rather he was with the pay party, when he secured the evidence on which that roll was based. We started out on the 12th of October. We visited various points—Beaulieu, Duane, Bemidji, Walker, Pine Point, Callaway, Ogema, Waubun, Mahnomen, Sandstone, Onamia, and White Earth. We started on the 12th of October and we got through December 5.

Q. You were two months making this roll?—A. They accompanied the pay party, when a party came up for payment with his family—notices were sent out in advance as to what was being done, and the Indians came in crowds and brought their relatives. Mr. Hinton had charge of taking testimony—making up the list—and he was assisted by the old men of the tribe, many of them. I can not now name the different ones at different points; there were several. There was May-zhuc-e-ge-shig and several of those old chiefs; I don't remember the names. Rev. Porter, the missionary; Rev. Kohnsad, missionary; Rev. Charles Wright, White Cloud; Rev. Smith, from Red Lake; the principal of the Cass Lake school, Caswell. And at other places we went the old men and those presumed to be informed were the ones who testified.

Q. You did not have all those that you now name with you continuously, did you?—A. Oh, no; they came at different places.

Q. Do you mean to say that a roll could be made that would be anywhere near correct in two months' time where the evidence was ex parte?—A. I don't believe you could make an absolutely correct roll, take any time that you might.

Q. Would you not be able to make a roll where all persons who had any interest in the matter were present, which would be better than this Hinton roll?—A. Well, I would not like to say that, because my experience has been that I have had disputes right in the same family; matters that have come before me with reference to their blood status that I could not settle myself, and I would not like to criticize another.

Q. Now, Maj. Howard, I want to ask you this—that is, to refresh your memory and probably you can recall it: Was not there a council held at the industrial hall—in the day school—at White Earth a year before the Burch force arrived here, to discuss the question of who were mixed bloods and who were full bloods? And didn't Ben Fairbanks and some others there advocate the making of a roll and classification?—A. Up at the school?

Q. At the industrial school—the day school, I mean to say. And did you not let them have that school for the purpose of holding their council?—A. About what time was that?

Q. That was the year before Mr. Burch arrived at White Earth.

Mr. BURCH. You mean people connected with the Government force. I never was there.

Q. The winter before Mr. Moorhead and Mr. Linnen came to the reservation.—A. Mr. Beaulieu, will you let me look at that [referring to paper] and see if that refers to the matter?

Q. Yes; I haven't read it all through.—A. I haven't, either; but I think that is the letter. A council was held February 20 and 22, 1909, according to this.

Mr. HINTON. Would it be proper for me to make a statement? I would say to Mr. Beaulieu that I will be able to show him that more than a year's time was put upon that work, including the Linnen and Moorhead work, with three stenographers and three interpreters, and that we made use of that in the work, and had made preparation before we went into the field, and that we sat, Special Attorney Long and myself, in the department here from April 10 to October 6, 1910, and heard 600 people, and that we devised the plan or scheme whereby to couple the original allotment number with the annuity roll, and that Maj. Howard and his force were of great service in identifying these people, and that I had the original allotment schedules before me, and all that I had to do was to simply question the people as to their genealogy; and, as Maj. Howard has said, we availed ourselves of the information we could get from the older people who were there. Now, I shall be very glad to explain this to Mr. Beaulieu and to the committee.

Mr. GRAHAM. You will probably have an opportunity.

Mr. HINTON. The roll was prepared under authority from the Secretary of the Interior and with the approval of the Department of Justice, and that roll has been approved by the Government and by the Secretary of the Interior, and is regarded as the official roll. I shall be glad to show to any fair-minded man that the work was done carefully and conscientiously, and was based upon information furnished us at the time.

Mr. GRAHAM. Mr. Hinton, was not that matter gone into at Washington when you were a witness?

Mr. HINTON. Not thoroughly.

Mr. GRAHAM. Well, I wish you would look over your testimony there and see if you testified about it, so that there will not be too much duplication. Doubtless the matter will be up again. Mr. Beaulieu, you have other witnesses, have you not?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. Wouldn't it be better to wait and make one bite of the cherry?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. The committee wants to thank the people of Detroit who have been with us to-day, for their splendid order; but we want particularly to pay a compliment to the children who have come. It has been exceedingly gratifying to us that so many boys and girls should come here and behave so splendidly, and I want to compliment their teachers and their parents, as well as themselves. We hope you will be with us often, and be as good as you have been to-day.

If Mr. Dennis is here, I want to say to him that yesterday, when he spoke about the subpœnas for witnesses, we were out of blanks; but a fresh supply has come to-day, so that he can now have all he wants. Of course, on the condition that he explain to us with reference to the purpose of calling certain witnesses wanted, and as to what he intends to prove by them.

Adjourned till Friday morning, February 9, 1912.

×

WHITE EARTH RESERVATION

No. 23

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 9, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

FRIDAY, *February 9, 1912.*

Mr. BEAULIEU. Father Aloysius would like to go back to White Earth to-night, and if there is no objection I would like to put him upon the stand this morning before we proceed with Maj. Howard.

Mr. GRAHAM. I think there is no objection to that.

Mr. BURCH. In this connection I desire to state that I may be called away from here temporarily at least, and possibly permanently, at any time. I should feel it my duty to go and if as indicated by Mr. Beaulieu, I am to be put upon the stand, I want to give the proper notice. I want to leave here Saturday night and I want to give proper notice so that it may not be claimed that I have evaded going on the stand.

STATEMENT OF REV. ALOYSIUS HERMANUCT.

Examined by Mr. GRAHAM:

Q. State your full name, please?—A. Aloysius Hermanuct.

Q. Where do you reside?—A. I live on White Earth Reservation.

Q. How long have you lived there?—A. I am up there—since last November it was 33 years.

Q. How long have you been a Catholic priest?—A. Since 1876 I was a priest.

Q. Where were you first located?—A. I was in St. Johns College, Stearns County, Minn., St. Johns Abby.

Q. Were you located at any charges or missions other than White Earth?—A. Before I came to White Earth, in 1878, I was also priest in Richmond, Minn., from May until June.

Q. Have you more than one charge or parish now?—A. For the present I have charge of St. Benedict's Mission at White Earth.

Q. How many Catholic parishes or congregations are there in White Earth?—A. There are five—St. Benedict Mission, Callaway, Ogema, Mahnomen and Ponsford, and Beaulieu.

Q. How many were there when you first went up there?—A. There was only one mission at White Earth, and I attended from there to the Indians and had services in their log houses at the different places.

Q. Do you mean that you attended the entire reservation?—A. Yes.

Q. Were there people of your religion scattered all over the reservation then?—A. Yes.

Q. Which was there first, you or the railroad? Was the railroad through the territory when you first went there?—A. No, sir; there was no railroad.

Q. How did you get about?—A. Well, sometimes I had to go on foot, and after I got a pony I went on horseback, and when I was a little better off—the mixed bloods bought me another pony, so I took a team.

Q. According to the doctrines of the church you have no option about attending sick calls, have you? You must go?—A. Yes, sir; I have to go.

Q. Regardless of conditions?—A. Regardless of conditions.

Q. But if the distance were, say, 20 miles, and in weather like this, and you had to walk, would it be your duty to go then?—A. It would be my duty, if I had no conveyance.

Q. Have you ever had such an experience in fact?—A. Many times I have gone in weather like this.

Q. How far?—A. I went to Mahnomen, in that region—it is about 20 miles from White Earth—I went there to attend a sick call and I came back the next day.

Q. How are you supported?—A. Well, I get my most necessary support from the Abbey of St. Johns, and if I am in any necessity of course they help me, but I have no regular salary.

Q. And are your parishioners mostly of Indian blood, full or mixed?—A. They are mixed Indian blood.

Q. Have you any white people in your congregation?—A. In my parish at the present time there are six white families who are located somewhere in the mission.

Q. To what extent do the Indians contribute to the expenses of the church and your support?—A. Well, in the beginning, of course, you could not expect anything from the Indians, because they had to make their own living, and many were also poor people like myself, but when I built the church—the church at the present time what we call St. Benedict's Mission—the Indians helped me a good deal in digging the trenches and for the house and the parish—the little school and the church—and the mixed bloods they were hauling timber here from Detroit with their pony teams. They did what they could, and I was satisfied with that; but I didn't get any money.

Q. Have you a comfortable home?—A. Yes; I have now a comfortable home at the present.

Q. And a comfortable living?—A. Yes, sir.

Q. I suppose you are not able to save very much?—A. No, sir; I don't save much.

Q. What is your income, or do you mind telling?—A. Well, I don't mind, but I can say my regular income comes from what we call the mixed bloods—they supply me. That is my regular income, and most of it I can depend on, and it amounts of course to only about $150, but in later years sometimes I come up to nearly $300.

Q. You spoke about getting a pony after you had been on the reservation some time. How long had you been without a pony?—A. That was, I believe, a year or a year and a half. I had to go on foot mostly. I had to hire a team from the mixed bloods and of course paid for it.

Q. How long did you keep the pony?—A. Well, I kept him until he was exhausted.

Q. These ponies are very long lived, are they not?—A. Yes, sir. It was about 35 years old, and he died.

Q. Have you any horses now?—A. I have. We have a school farm there now, and of course I have my own team of horses, and we have teams on the farm.

Q. Have you a school in connection with your church?—A. Yes, sir.

Q. Who teaches there?—A. The Sisters of St. Benedict.

Q. How many of them are employed?—A. There are seven.

Q. How many children do they teach?—A. There are 102 at the present time.

Q. Do those children live in their own homes, or do any of them stay at the school?—A. They all stay at the schoolhouse; they help at the school. Perhaps only two or three day scholars who go to the school.

Q. And how are their expenses paid?—A. Well, by contribution, and I get a certain share from the Catholic Indian Bureau in Washington, and then, of course, the school farm has to supply necessities if I need them.

Q. How much of a farm have you attached to the school?—A. I have 160 acres, of which there are at present about 90 acres in cultivation, perhaps a little more, and of course we keep stock, sometimes about 35 head of cattle, and poultry I have.

Q. Who does the actual work on the farm?—A. I have two men hired. They are paid.

Q. Have you boys at the school, too?—A. There are only four boys.

Q. Are they of an age fit for work?—A. Well, they can do a little.

Q. Do the girls get any industrial or domestic training?—A. Yes.

Q. What is the nature of it?—A. Well, of course, the girls are from 7 years to 14, 16, and 17, and the industrial work—every three weeks the charges are divided among the children and the little ones have to keep the rooms, and they have to wash the dishes and do a little housework, and the larger girls are engaged in the laundry and bakery. They have to make the bread and look after the milk; sewing by hand and by machine, that is taught them.

Q. Do they do that work cheerfully?—A. They do it cheerfully.

Q. Do they come to be expert?—A. Many of them are advanced; yes, sir.

Q. At what age do they usually leave the school?—A. Well, it depends on the circumstances; it depends on their parents; yet I must say that the pupils when we take them—sometimes 7 or 8 years old, some 10 or 12, the average always 5 or 6 years, many 7 and 8 years—they come to school.

Q. How are your people with reference to the performance of their religious duties; are they prompt or not?—A. I am satisfied with them. They are all good Christians.

Q. What do you say as to the Indian people with reference to intense religious feeling; are they supposed to be religious people or not?—A. The Indians are a thoroughly religious people. They are all, you may say, religious before they become Christians.

Q. Please explain what you mean by that?—A. I mean that you take an old Indian; he has his own heaven, his own religion. In the four years I attended the councils; and when they spoke, they spoke always with the greatest reverence of the Great Spirit, and also in their behavior they were nice and decent, and of course you

can explain the Christian religion and explain it and bring it up to the development; they have to be taught like children. You can not teach them much in the beginning, but we gradually bring them up and they understand the principles and get along all right.

Q. Have you a choir connected with your church?—A. Yes.

Q. All Indians?—A. All my school children. They sing in it.

Q. Are they efficient as singers?—A. They are excellent singers.

Q. They enter into the spirit of it, do they?—A. They have talent, musical talent, especially the mixed bloods, and they learn the organ and piano; of course they are charged for that—mixed-blood children, of course; that is not included in the school plan, and we always have to employ one sister; about 20 pupils in the year for music.

Q. Lessons on the piano?—A. Yes.

Q. Do they learn quickly?—A. They learn quickly.

Q. Become capable performers, do they?—A. Yes, sir.

Mr. GEORGE. The full-bloods as well—the full-blood children?

The WITNESS. Well, they are a little slower on account of the fingering, and so on; but the mixed bloods are especially talented in regard to music. They are often passionately fond of music.

Q. How far does your parish extend from White Earth?—A. At present my parish was subdivided since two years. It extended from White Earth clear down to Callaway, that is 10 miles, then also 10 miles to the east. In the woods there are Catholic people, and north my boundaries were the White Earth Village, that is about 12 miles north, what belongs to me. But now, in Callaway, we erected the church two years back; there are about 45 mixed-blood familes, and in Ogema there are about 12 mixed-blood familes, and there are 28 white families around Ogema station. So that is the mission attended by one of our fathers—that was my field in the last 10 years.

Q. How do they get to church? Have they vehicles and horses?—A. In former years, of course, mostly on foot or on horseback, but today they come with vehicles—nice teams and buggies.

Q. Do they make a sacrifice of their comfort to get to church regularly?—A. Yes; they will do that. They will come 10 miles in cold weather like this.

Q. How far would they walk in weather like this?—A. Well, there are women you know; they walk 7, 8, and 9 miles to church, once in a while.

Q. Is it with the Indian as with the white man, are the women better churchgoers than the men?—A. Well, of course, they are like that, too.

Q. You understand and speak the language, I presume?—A. I do.

Q. Did you make a study of it before going there, or after you went there?—A. I only had eight days' time, and I don't know a word of Chippewa. When I come up to White Earth in November, my predecessor was gone to do collecting. He was sent up to Red Lake, 8 mile nsorth, and so when I came there I was, of course, in a pretty hard situation. The winter commenced, sick people came, and then I got the dictionary, and I had a grammar, so, of course, my hard work was at that time, early in the morning I studied in my Chippewa language in order to be able to attend to my duties in regard to the sacraments. And after about three months I understood already. I had to understand in regard to the dying persons,

and then I went down, and after three months later I gave my first sermon. Of course, it was not an eloquent sermon, and I got started pretty good and toward the end I got a little stuck; but the Indians say I will be a very good speaker.

Q. Do you still speak in Chippewa?—A. I preach every Sunday Chippewa and English in the parish.

Q. For those who understand both languages, which one do they prefer that you preach in?—A. Well, the older Indians, of course, and the older mixed bloods, they prefer Chippewa.

Q. And the younger ones?—A. The younger ones want the English. Oh, yes; they understand the Chippewa just as well as I do, of course.

Q. Have you entered the field of Chippewa literature; have you written anything?—A. Not very much.

Q. Have you any religious instruction in that language and in print?—A. Yes; of course we have books there. The old missionaries have got books, very good books, translated into the Chippewa.

Q. Is the Chippewa vocabulary sufficiently extensive to enable one to convey all his ideas from English into the Chippewa? In other words, have they equivalents for all our English words?—A. Well, of course the Chippewa language is a language of the verb. Everything is expressed in the verb. They have hardly any adjectives and everything is done with the verb, and so it is circumscribed. Of course the Indians do not know those differences, which you might call technical terms. They had to be circumscribed and explained, and according to that we preach.

Q. Is there much poverty among your people up there at the present time?—A. Well, as much as I can see, among the people where I stay, of course, there is some. Some are needy, but I could not say exactly that anybody would starve or would be in very needy circumstances. Yet, people—I know lots of them—they are out in the timber either working in the lumber mill or logging camps. They are there the whole winter. They are well dressed when they come to church or when you see them in town, and you see them going into stores—they buy; they come into the butcher shop. I think at the present time, of course, there might be some families, on account of those later circumstances in selling the lands, and the money question, of course—but I think that the people help themselves.

Q. Are there any suggestions you would like to make or anything that you wish to say to the committee regarding White Earth matters?—A. Well, of course, there are very important things and I can not give it immediately. I would be obliged, of course, to write that down and submit it to the committee. I would be obliged, of course, to give such suggestions or advice in writing, because the past year there have happened so many things on the reservation, so many changes, that it is hard to say the many things that should be done for the future welfare to protect the Indian and his rights.

Q. Would you favor the committee with a written statement of your views?—A. Yes; if I can have the necessary time to submit. I would not be able to in a week or two.

Q. You could send it to the committee at Washington, then?—A. Yes, sir.

Mr. GRAHAM. Mr. Beaulieu, will you proceed now?

Examined by Mr. BEAULIEU:

Q. Father Aloysius, are you not a physician?—A. Well, I have no diploma as a physician. I know a good deal of medicine.

Q. That is, you studied medicine to a large extent, did you not?—A. Yes, sir.

Q. And were you not constantly, during the first four or five years at White Earth, called upon to attend the sick people?—A. Yes; I was called.

Mr. GRAHAM. Do you mean as a physician or as a clergyman?

Mr. BEAULIEU. As both—as a physician I mean particularly; and did you not have as much to do, if not more, than the regular Government physician?—A. Yes; I think at certain times; because, like the Indians are, they look to a priest—that he can do better perhaps than a physician, because no priest is a physician, but he is a priest.

Q. As a matter of fact, was there not too much to do for one physician at that time?—A. Around White Earth?

Q. And the reservation generally; yes.—A. Yes; there should have been at least about three physicians; at least three at that time.

Q. And there was only one?—A. There was only one.

Q. And for that reason were you called a great deal to attend the sick people?—A. Yes; because I came every day in the Indian houses as a priest. Of course, they called me as a priest on account of sickness; then they asked me sometimes for help, and I saw right away, of course, like the Indians were living at that time, if the Indian would know a little about the hygiene, and so on, he would not need much medicine, and there I helped especially to teach them to air their rooms and do away with their old Indian medicine, you know, what they use in pails, in big quantities. I helped them in that way and gave them advice, and then, of course, I had a little satchel along with medicine, and I had homoepathic doses along with me, in order to do away with their habit of taking so much medicine. Of course, you can see that ruins a child.

Q. You were, in fact, not only the physician, but did they call upon you to advise them in their everyday life?—A. Yes; sometimes. Yes; the Indians wanted advice on all kinds of matters.

Q. And for that reason you were kept very busy?—A. I was very busy the first 10 or 12 years.

Q. And recognizing that, you finally got a pony?—A. Yes, sir.

Q. Then afterwards the mixed bloods assisted you to get another one?—A. Yes, sir; a team.

Q. And then since that they have occasionally assisted you in getting teams, have they not?—A. Yes. Well, I was able myself since 10 years, of course, and could pay for those necessities.

Q. Now, you spoke about the whites being members of your church. Do you think the whites are beneficial to the Indians by contact?—A. I think if we could get a good element of white people—industrious people and farmers—I think it would improve very much the reservation in every respect, and it is necessary, too.

Q. Those farmers that you speak of are good families, are they not—they attend church?—A. Yes.

Q. There are German families, are there not?—A. German families, yes; and Bohemians—they are mixed.

Q. And they mix well with the Indians upon the reservation?—A. They are friendly—I can give that testimony—to the Indians.

The Indians are very friendly, because 10 years back there were lots of renters that rented to the Indian farmers, and of course I thought, How will that work? And I must say the Indians and the mixed bloods were very friendly to the whites and agreed pretty well with them.

Q. And whenever they employed people to work for them on their farms they have no hesitation in employing mixed bloods or Indians—they have no prejudice against them?—A. No; they have no prejudice. If they have a young man or a young girl working they are satisfied.

Q. You think, then, it is a good thing for the Indians and whites to come together—that is, mix up and live together?—A. Yes, sir.

Q. It is, in fact, the only way to teach the Indians to become civilized and self-sustaining?—A. That is one reason, and the other reason is also more or less like it—on account of intermarriages between them, especially the mixed bloods. That would improve that situation.

Q. There are nearly all mixed bloods upon the White Earth Reservation—largely in the majority?—A. They are in the majority now.

Q. When you came there, the other class was in the majority?—A. When I came there the Indians were ahead of the mixed bloods. Then about 1887 I saw my baptism register, and I saw the Indians greatly declined, getting always less, the mixed bloods increasing in regard to the families of children.

Q. There is no prejudice on the part of the whites against the Indians on the reservation, so far as marrying is concerned, is there?—A. No, sir; I think not. That has happened—intermarriages—and more will come, and I think it will be a benefit for our Indian blood in that way.

Q. Do you know whether the full bloods made any use of their lands? Have they ever made any use of their lands upon the reservation?—A. When I came up in 1878, in November—the next spring, of course, I got acquainted more or less with the people around, and the Indian matters and the agency, at that time—that was the time when the Indians were very industrious. Of course I refer to the full-blood Indians. The most of the Indians had a team of oxen, they had a cow, they had a laprobe, and the second year they succeeded very well at that time. We had a little affair up there in that fall; I believe one of the Congressmen and Senators was invited, and Bishop Whipple came up; and the affair was in the old home at present—what we call the old home at White Earth—and there, of course, things were all exhibited that the Indians raised, and weaving and carpets, and garden stuff; and so the Indians they had a good living. But of course at that time there was an agent, and especially a farmer, a very able man, who knew how to handle the Indian. He was kind to him, but he was very strict—very strict; and the farmer, of course, I met him one day on the road on horseback. He went to that Indian—to that farm—I met him there and asked him where he is going, and he says: "There are two Indians, Father, up beyond that church. They didn't plow their field in order to put the seed in, and the agent ordered me to tell them if they don't plow their fields now (it was in April) that the team will be taken away from them." And of course they were oldtimers. That

was Saturday when I saw them, and on Sunday morning they started to plow. They were scared and they plowed their fields. At that time the Indians were in a very good condition, and then afterwards it changed and they went down again.

Mr. GRAHAM. Why?

The WITNESS. Well, first, that agent resigned.

Q. Who was the agent?—A. He was Charles Ruffey.

Mr. BURCH. He lives at Brainerd now, doesn't he?

The WITNESS. That is the man.

Mr. GRAHAM. Go on, Father, and tell why they went backward.

The WITNESS. Well, that agent was well acquainted. Of course, he was living first among the Indians, and he became agent, and he knew the Indian character pretty well, and then he started the Indians, giving them supplies, and teams, and so on; he was firm; he was very firm with them, and they were farming; you could see the nice little farms, 5 and 10 and sometimes even 15 acres, and some had 30 acres. I speak of the full-blood Indians. Of course, the mixed bloods, quite a number of them had pretty fair farms, and lots had cattle at that time, too. That agent, his term was at an end, Mr. Chairman, and there came a change, there came another agent.

Mr. GEORGE. Who was that other agent?

The WITNESS. Mr. Luce. Well, he came, and it is pretty hard for any white man to take such an office if he is not acquainted with the Indian character and their ways, and they know one another, and I suppose it took him quite a long time to get the necessary supplies again for the Indians for seed wheat, and so on, and so at that time they sunk down, and I think one reason was, also, that the people who worked, they had already advanced in age.

Mr. GEORGE. When did Agent Ruffey go?

The WITNESS. In 1881.

Mr. GEORGE. And he had been there how long?

The WITNESS. He was there when I came up in 1877—four years.

Q. Was not that the result, to some extent of the agent occasionally paying the Indians for their own work, giving them small payments in the way of rations; that is, to pay them something out of the warehouse, that helped them along to do the work, instead of giving them rations outright, but compelled them to do a little work for whatever rations they got? Was not that the custom?—A. Yes, that was what the agent did at that time.

Q. Prior to Maj. Ruffey's administration as Indian agent, was there not an Indian agent who paid them in cash for the breaking of their lands? Had you not heard of that?—A. Why, I heard, but I was not there.

Q. And was that not the result of their industry—the inauguration by one agent of that policy we have just spoken of?—A. Yes.

Mr. GEORGE. Before we leave that, I would like to know something about the renting of their lands. Did the full bloods rent their lands?

The WITNESS. Yes, sir. They rent their lands to white people—not very many.

Mr. GEORGE. Did they in this early period when you first went there?

The WITNESS. No, sir. That was about seven years back.

Mr. GEORGE. Seven years?

The WITNESS. Yes; seven years. The renters came in and the mixed bloods also rented their farms to white people.

Mr. GEORGE. Were they from outside of Minnesota?

The WITNESS. They were mostly Minnesota people.

Mr. GEORGE. Mostly Minnesota whites?

The WITNESS. Yes.

Mr. GEORGE. What terms—how much rent do they get for their land?

The WITNESS. Well, of course, under certain conditions, they had to break up the land first; and for the first year they got the crop entirely for themselves and the next year I think they get shares, one-third or two-thirds; of course, one tract was not like another.

Mr. GEORGE. So these Indians were to a certain extent landlords?

The WITNESS. Yes; well, of course, the Indians had no teams, nothing; they could not work their land and they wanted to get their supplies.

Mr. GEORGE. Why couldn't the Indian do that now?

The WITNESS. Well, I suppose the younger Indians could do it if they would take to farming.

Mr. GEORGE. But that was before the policy of letting them sell prevailed?

The WITNESS. Yes, sir.

Mr. GEORGE. But now they can sell their lands instead of renting them?

The WITNESS. Yes, sir.

Mr. GEORGE. When the lands went back to the Indians, these rented farms, then the land was broke?

The WITNESS. The land was broke; yes.

Mr. GEORGE. The white farmer had prepared the land for agriculture?

The WITNESS. Yes, sir; but excepting the renting, I think it was not very beneficial in certain cases, I believe, because we had renters here and the people were in pretty bad condition. They brought bad seed in and they didn't take care like a man would do for his own farm, you know.

Mr. GEORGE. That is always the fact with a renter, is it not?

The WITNESS. Yes; except the renter is conscientious.

Mr. GEORGE. There is comparatively a small amount of land rented, is there not?

The WITNESS. I think around White Earth there are not more than 7 or 8 rented; that is, five or six families that are renters.

Mr. GEORGE. Five or six families right around White Earth; in fact, including the whole reservation, and you think there are not more than 25 families?

The WITNESS. I think there are very few renters, in comparison, at this time.

Mr. GEORGE. And there are between four and five thousand allottees?

The WITNESS. Yes; I suppose so.

Mr. GEORGE. Of course, the whites would rather own the land themselves than rent it?

A. Yes, sir.

Mr. GEORGE. And now that the bars were thought to be let down, the whole effort was to acquire possession of the land, rather than to rent it?

The WITNESS. Yes.

Q. Father Aloysius, do you not think it would be a good thing to raise the restrictions from all Indians who can work, from 21 to 40 years of age, and compel them to work by throwing them on their own resources and taking care of only the old people?—A. You speak of the young men?

Q. Yes; the young men.—A. Yes; I think—I approve that plan.

Q. Do you not think there should be some plan whereby only the old people who are unable to work should be taken care of?—A. Yes, sir.

Q. How large is your school, the buildings?—A. The farm school is 80 by 80.

Q. How many children can be accommodated there?—A. Well, of course, I can accommodate about 150.

Q. The average attendance is what?—A. The average is about 94 or 95 for the whole school session.

Q. You have no trouble about keeping the children there?—A. No, sir; they come themselves.

Q. You never have to call on the police to send them?—A. No, sir; they come themselves.

Q. How many teachers have you there?—A. Seven teachers, and they have a young lady there.

Q. Those seven teachers do all the work of the boarding school, do they not?—A. Well, those seven teachers, of course, what we call the teachers in the schools, there are two and the assistant, but the other employees—that is, the sisters—one is in the kitchen, and one is the matron; one is in the bakery and laundry, and the girls have to do the work; she instructs them, she works with them; and, in order that the work is kept up by the scholars themselves, the sister, of course, has to be with them and teach them, to have the pupils do the work, what work they are able to do.

Q. Do you know of any young men or women graduated in this school that have been successful in their calling?—A. Yes; well, the boys' school I had—that was when I got the first contract in 1892—I had 100 pupils, and paid by the Government that time; and among those hundred pupils there were 25 or 30 boys and I had them in my residence—it is a large house—and among those boys I believe mostly, quite a number, they turned out to be successful men.

Q. One of the most prominent business men at White Earth is a graduate of your school?—A. Yes, sir; if you refer to Mr. Ben Fairbanks.

Q. And Frank Beaulieu is a graduate?—A. Yes; Frank Beaulieu, and Rudy Beaulieu, and Peter Scribe, he is a good farmer, and John Brantley, he has a hundred dollars salary as a clerk in a mining company over there; and the other boys they are on farms, married, and have families; and among the girls there are those who are teaching; 30 years back they were there, and they send their children to school now and bring them up decently.

Q. What is the average cost of taking care of these children each year now. For instance, now, what is the average cost of taking care of them?—A. Well, I think it will come to about $87, but I must give an explanation. Among those pupils there is quite a number of half-breed or mixed-blood pupils; the parents furnish the clothing

and the shoes, but no provisions and no money; of course, all the books and everything we provide at the school. It enables me in that way, of course, to take poor children. My contract is only 60 pupils, or 65, but I take a hundred, because if the mixed bloods help me in that way—those who are able to clothe their children—I can give a chance to poor children who are not able to clothe themselves, give a chance to quite a number of children to be educated; so that, instead of 65 we have mostly 100 in the school, I guess.

Q. Haven't you a number of orphans there?—A. Yes; we had in former years; we had quite a number; there are a few at present.

Q. As a matter of fact, most all the orphans go to your school, don't they?—A. Yes; they brought them mostly to our school; we keep them there.

Q. How many Catholics are there upon the White Earth Reservation, as compared with other denominations?—A. Well, it is very hard to give the number. Of course I have 160 families, Indian bloods; then there are at Callaway about 37 families, Indian bloods; Ogema, 15 families; in Mahnomen, the Pembinas, they amount to 100 families. Father Roman, I think, has 80 families of the Indian blood at Beaulieu, and there are families over at—Father Felix, I think, has about 80 or 85 at Pine Point. I think it comes to about three thousand or more.

Q. Are not all these families—nearly all, if not all—self-supporting?—A. If you take the mixed bloods, I think they are.

Q. You don't see among the mixed bloods any cases of extreme destitution, or you don't see that their circumstances are very bad, do you?—A. No, no; I think not. But, of course, they are sometimes needy, but they have the necessities.

Q. Not any more so than the whites, are they?—A. They do not need so much as the whites, if it comes to hard times.

Mr. GEORGE. Do they have as much as the whites?

The WITNESS. Some, yes; some are well off. Some are what you call well to do.

Mr. GEORGE. But a condition that would starve a white man would still allow a red man to live?

The WITNESS. Yes. Once an Indian agent said to an Indian, "Why don't you farm? Why don't you keep cattle and stock?" "Well," the old man said, "I am an Indian and you are a white man. I would do farming if I understood it, but I don't understand it." And he says, "If you will change it around, I will give you my traps and I will try a little farming and you make your living by trapping, and," the Indian says, "you die with the traps, because you don't know how to trap anything, but I live, even if I am a very poor farmer." That means, of course, the Indian can get through with little things in comparison with the white man.

Mr. GEORGE. You speak about the full bloods who have the small farms. The full blood could learn to farm, you said?

The WITNESS. Yes.

Mr. GEORGE. And that he did have small farms—5 or 10 or 15 acres in some instances—and raised good crops and vegetables?

The WITNESS. Yes.

Mr. GEORGE. Well, now, what do you suppose would happen if he did not have any land?

The WITNESS. Well, of course, it is pretty hard to say what it is in this country. If he has no land, he has to depend entirely upon the support of the Government.

Mr. GEORGE. If he is permitted to sell his land, he could not buy any little farm? He has no place to trap; he is a landless man?

The WITNESS. That is true.

Mr. GEORGE. Do you think it would be a wise policy to permit him to get rid of his lands?

The WITNESS. No, sir; I never was for that, that the Indian should sell his land.

Mr. GEORGE. You thought that he should keep his land?

The WITNESS. He should keep his land.

Mr. GEORGE. And he should be taught to use his land?

The WITNESS. To use his land.

Mr. GEORGE. In order that he could support himself?

The WITNESS. Yes, sir.

Mr. GEORGE. Did you preach to them to keep their land?

The WITNESS. Well, when the storm came, three or four years back, of course we were not prepared. I had no idea that it would go so fast; but when I saw the thing, of course I preached, in church, and I preached also to lots of the mixed bloods, and I think Mr. Beaulieu, he saw how things were going, and I think he warned the people at that time that they should not dispose of their lands, when he saw how things were going—especially the young people of 18 to 20, that they should keep their lands—that is, their grants, and I was opposed to it, except the "dead" lands; and perhaps the very old people who could not work any more—it might be policy perhaps to pay the money, under the control of the Government, if they sell.

Mr. GEORGE. And even then you could fall back on the policy you spoke of—rent their lands and have some income from their lands?

The WITNESS. Yes, sir.

Mr. GEORGE. So that you would have the Indian do precisely what the white man does—get a piece of land and work it?

The WITNESS. Yes.

Q. Was it not the plan, Father Aloysius, in the first place, to have a commission appointed that would pass upon the competency of a person to handle his own matters before he would be allowed to dispose of his lands? Didn't you hear of that, that that was the policy?—A. Mr. Beaulieu, it was after the battle in 1898 at Leech Lake, at Sugar Point, the Indian commissioner, Mr. Jones, you know, came up, and we got him out there to the battle field, and after we were through with that trouble, then he inquired about the general conditions of the Indians, not only at Leech Lake, but also on the White Earth Reservation. The consequence of that battle started new questions in regard to the property of the Indians, especially in regard to the pine lands. The commissioner asked me how the situation is in White Earth in regard to the full-blood Indians and the mixed bloods, and their wealth or their poverty in regard to the pine. Because that trouble at Leech Lake, the main cause was the so-called "dead-and-down" lumber, and that caused the trouble at Leech Lake. And lots of the Indians that came from the schools, they could read and write and figure; they saw the papers; they went out in the pineries and they saw how the finest lumber went down and sold for a trifle as dead and down timber, and they said,

"We lose not only thousands, but millions." They were correct. And then the destitution came. The Indians went to Washington in 1898, in the spring, and wanted to see the Indian Commissioner in regard to this dead and down timber.

Q. Who was the commissioner then?—A. W. A. Jones. And Mr. Jones, we was more or less engaged in work, and there were only two Indians, Leech Lakers, and they came back, and they think they did not get satisfaction, and they said, "Now, if the Government does not protect our property which we own, we will take matters in our own hands. We take it now in our own hands." Of course, the consequence was the trouble up there; but it did not execute what they intended to do; the battle was only accidental, that came by chance. If the battle would not have happened, of course, then the next winter. The Indians wanted by force to make an end to all these troubles; that is the reason they bought the ammunition that fall, and they wanted to protect their property.

Q. Protect it against the lumbermen?—A. Yes. The dead and down timber lumbering. Of course, they saw the loss they had; and there were men engaged here, too, when they complained, they said they would not let the thing go on.

Q. And was Chief Hole-in-the-Day trying to protect the Indians' rights?—A. I think so, because he got all those points for all Indians, to make change from the old agency and come up here, and take up those lands, and these pineries, and the lists for exchanges.

Q. But Hole-in-the-Day had been killed 20 years before that?—A. Yes; I understand it was a continuation of that policy; they were carrying out the policy that Hole-in-the-Day had inaugurated; they wanted to save their pines. Now, I come to the point. Now, Mr. Jones, the Indian commissioner, asked me about the situation at White Earth, and what he should do with the pines, that property, and I made a suggestion to him, a proposition: "Before you do anything in regard to that, make a classification of our people on the White Earth Reservation, and on all other reservations, too, but especially the White Earth Reservation, in regard to the blood, and in regard to the ability of the mixed bloods and so on; the Government knows how to proceed in regard to that Indian property." I made him that suggestion, and I referred that to you?

Q. Yes.—A. And then after that Mr. Jones resigned and then, of course, the thing laid over, and a new commissioner came in, and under the circumstances, of course, we did not succeed.

Q. Who was the new commissioner?—A. Mr. Leupp.

Q. Did you ever make that explanation to Mr. Leupp?—A. He was up here, and wanted to see me in regard to these affairs, and I was absent. I was absent a week and he could not wait, and I never met him.

Q. Father Aloysius, was not the plan that was started just prior to the so-called Clapp Act, one similar to the Burke law, which would give it only to those who were competent to look after their rights—was not that discussed at White Earth; I mean give those who were competent the right to look after their allotments?—A. Yes; that was.

Q. And was it not the plan then to have a commission pass upon the qualifications of those who should have their allotments free of restrictions, and was it not proposed that a missionary, an Indian

agent, and a person to be selected by the Chippewas should act as that commission?—A. Yes; that was proposed, yes.

Q. That was discussed among the Indians and people generally, upon the reservation, was it not?—A. Yes.

Q. And that was the first proposition, which eventually resulted in the Clapp Act, was it not?—A. Yes, sir; I think so; I think it was.

Q. Among the White Earth people—and I would ask if I was not one of the persons interested, and if I did not publish that proposition?—A. Yes; I saw it published in the Tomahawk.

Q. It was published generally, and discussed generally among the people?—A. Yes; it was.

Q. It was no secret; it was done openly, and everybody was invited to discuss the matter generally?—A. Yes, sir.

Q. I want to ask you some more about the Leech Lake trouble. What part did you take at Leech Lake—were you not one of the peace commissioners?—A. I was.

Q. Were you not sent over there to Bear Island the day following the battle, either by Commissioner Jones—didn't Commissioner Jones ask you to go over to Bear Island, that is, Sugar Point, where the battle took place?—A. I went to Sugar Point about five days after the battle; I went with that old chief—myself and you and a young mixed blood; we left at 2 o'clock.

Mr. GEORGE. Who was the old chief and who was the young man?

The WITNESS. He was a Bear Island Indian, Red Blanket; the young man was from the agency; he went as an interpreter.

Mr. GEORGE. Do you remember his name?

The WITNESS. He was Bellanger—John Bellanger.

Mr. GEORGE. And the four of you went?

The WITNESS. We went. I will give you the history of it. When the outbreak, the battle, occurred on the 5th of October, 1898, I was in St. Paul on duty. In the evening I was at the residence of a priest, and a soldier came over from Fort Snelling to consult with one of the fathers. He mentioned that the trains were all ready to take 200 soldiers, the troops, up to Leech Lake. I asked him about it. He said he did not know why or what the trouble was. The next morning we saw that the engagement had happened between them, the troops and the Leech Lake Indians. I asked when the train left, and he said to-morrow morning. I thought if that happens I will go there, because I had a mission there, quite a number of Catholics in the agency, and to look after them, and so at 8 o'clock in the morning I left St. Paul, the soldiers on the train ahead of us, and I arrived at Walker about 5 in the evening. Walker is a little town on the lake, and the entrance into the agency across the lake. When I came there a big stampede came from the battlefield, and they brought those dead soldiers there, and Gen. Bacon he arrived with his soldiers, and lots of officers and United States marshals were along. There was great excitement from Brainerd, a hundred miles down along the line. The farmers and the women left and ran and ran, because it was reported that there was an outbreak. That is the reason I went up. People were scattered for two or three hundred miles around the lake—workingmen, railroad men. They said, "We can not do anything; an Indian outbreak has happened." And I thought I have to assist, from my side, the Indians, and if I can help

in anything also, of course, I will help the whites. If an Indian outbreak happens it is like a prairie fire, and no one knows how it starts or ends; so I thought it my duty to go over there. The next morning at 8 o'clock I took a boat and went over to the agency. In that boat with me I have Mr. Gus Beaulieu, here, and I asked him about the situation and the affairs, and he says, "Father, it is pretty bad; the battle opened up there and the Indians killed officers and wounded several, and what the hostile Indians will do—we do not know what will happen;" and he says, "Here in the agency an outbreak is expected, too, among the agency Indians." The hostile Indians were 30 miles out in the lake, and in the agency there were lots of Indians. I said, "If that is the case, it is good I came up." Well, we arrived there and when I came I saw the detachment of soldiers, about 10 men with a lieutenant, and I got acquainted with them. Then we watched affairs here, and they watched down the lake; they had dug ditches for protection, and we went up there. When we arrived at the agency, on the hill, there were about six or eight or nine houses of employees; all the people were gone; they were ordered over to Walker, because an outbreak was expected there; and the blacksmith and the teacher and the overseer all were ordered over there; there was no one at the houses, but the houses were open. The people, the Indians themselves—that is, the women and the children—they were very scared. Then I went 2 miles north of the town, north of the agency, to get a man, and I had the Indian the next day to go out to the hostile Indians across the lake in a canoe. But as Sunday was near I changed my plan. I told the man, "I shall go over." I paid him, if he could get to some of those Indians over here, about 3 miles north of the agency, and tell them that "Black Gown," the priest, was there and wants to see them.

Mr. GEORGE. "Black Gown," is that what they call you?

A. Yes. And in reality there came three Indians, and they approached the agency about 3 miles out in the lake; they met the other Indians from the agency, and they are scared. They said, "Don't go there. The soldiers are all in the agency, and when you go there with your guns they will take your guns away, and perhaps do something"; so they return back again. Then Mr. Beaulieu, he made a second effort to bring the Indians from this side of the lake to the agency; and then the next day the general came with his whole force to the agency, 300 men, and they pitched camp before the agency there, and put everything under the rules, of course; and I met the general at the landing, Gen. Bacon. When the soldiers came up, the general and the soldiers landed, the women and children, of course, they all ran; they got scared. The general says, "What is the meaning of that, Father?" I said, "If they see soldiers, they are scared." "Tell them I will not hurt them: I will not fight the Indians here except they want to fight. Tell them they are not to be scared at all." Then we came to talk about the situation, and I told him I would go out next morning, Tuesday or Wednesday, that I would like to see the hostile Indians, and he says, "Well, Father, that would be a good thing." And Mr. Beaulieu, he talks the same thing to him; and we worked with certain Indians: of course we wanted to get them on our side so we could come in contact with the people, and the general said, "Father, if you go out and Mr. Beau-

lieu, everything is at your disposal. I give you the big boat, or the boats under my control here, and everything is at your disposal; and if you will carry a message out to the Indians that I will give you, I will be glad, because it may perhaps end the trouble." And I says, "I will do it, I am ready," and Mr. Beaulieu says the same. And so we went out, Mr. Beaulieu, myself, and that chief. And we arrived at the battle field at 4 o'clock in the evening, and we left for Walker, and when we came to the battle field, out 30 miles to that point, the Indians were not there. So we went 5 miles north in the bay, and our Indian gave a signal—he made a sign like the Indians make signs—and then pretty soon we saw something burn in the trees up there, I don't know what it is. The Indians said, "They know that you are here; we will go up there; they know that. But they were not sure whether we were soldiers or the priests." So the Indians, they signaled one another that the boat is coming, and they set up skyrockets to show that they understood us. About 15 minutes after—of course it was dark almost, and we heard a noise coming from the land, and soon there were five or six canoes around us, and we had to come from the big boat into the canoes and go into a large rice field about a mile, and they brought us to the mainland, and there we had to walk a mile in very heavy timber. When we came there we saw a fire, and there were mostly all the hostile Indians there in the heavy timber. There were no houses, no wigwams around; it was a cold night; it was 12 o'clock when we arrived there. Presently I gave the Indians the message I brought from the general, that he wants that the hostile Indians should lay down their arms—no fighting; and that the second thing, the Indians should deliver all those Indians who have to appear before a court before the United States court. They had refused to appear as witnesses on account of that; that was the reason of the battles with the Indians. The Indians were prepared, of course, for further action. They had their scouts there, lots of them—the Red Lake, the Wisconsin, the Leech Lake, the Winnebegoshish; and if the general proceeds in his campaign, they had Indians to fight, too.

Q. Did you then induce the Indians to lay down their arms, Father Aloysius, and come and deliver themselves to the Commissioner of Indian Affairs at the agency?—A. Yes, sir.

Q. They did, then, come and deliver themselves?—A. They delivered themselves.

Q. That is, they laid down their arms and the fighting ceased?—A. Yes, sir.

Q. Then more or less discussion followed that fight regarding the Indian timber, did it not?—A. Yes, sir.

Q. The Government had full control of the Indian timber at that time?—A. Yes.

Q. And several years afterwards the allotments, the additional allotments, took place at White Earth, did they not?—A. Yes, sir.

Q. And pine timber was given them?—A. Yes, sir.

Q. Do you remember, immediately following the allotting of the pine, that it was the intention of the department at Washington to sell the allotments of the Indians at White Earth, and establish a forestry reserve? Do you remember that?—A. Yes; I think so. I did take notice of some of those things.

Q. Do you remember that there was a good deal of discussion about the allotments being sold, the allotment timber, rather, being sold, the same as in Wisconsin?—A. Yes, sir.

Q. And that the result of the fight was this law, the Clapp Act? Did you not learn that that was the cause of the passage of the Clapp Act?—A. Yes, sir.

Q. The people who were allottees wanted the Clapp Act passed so that the Indian Office would not get full control, the same as they had it in Wisconsin; was not that the fact?—A. Yes, sir; I heard that discussed and I read it in your paper.

Q. And it was discussed generally around the reservation?—A. Yes, sir.

Mr. GEORGE. I don't understand. Did you say it was discussed upon the reservation?

A. Yes, sir; it was talked over, of course.

Mr. GEORGE. And the people wanted that?

The WITNESS. Yes, sir; among the more intelligent people, but the Indians, of course, took real interest in it in the beginning, although I think they did not understand the question entirely—lots of Indians.

Q. Do you not think that the plan of the commission would have been much better than the final passage of the Clapp Act, as it was passed; that is, a commission to pass upon the qualifications of the members of the tribe to look after his own interests?—A. Well, yes, in one way, because there are lots of intelligent men; but in regard to the mixed bloods there, of course, they were in the same situation like an Indian, you know. That was the trouble. Hardly any difference in regard to capacity in making his living, and his knowledge, and so on.

Q. But if they had classified the Indians and shown who were competent to look after themselves and gave them their land free of restrictions, would it not have been a good thing?—A. Oh, yes; yes, it would.

Q. Do you not think that the only way to settle this matter, as it is, is to have them classified as to who are mixed bloods and who are not?—A. I think it ought to be done, not only on account of the full-blood Indians, but there are lots of mixed-blood Indians that need the protection just as much as the full-bloods, because there are quite a number of them yet; they can not take care of their land, their property; of course, they are assisted, that is true; but the protection; that is what I refer to.

Mr. GEORGE. They need protection?

The WITNESS. They need protection. I speak about these mixed bloods, you understand.

Q. Would not a great many white men need the same protection if they had sold like that?—A. Well, yes; that might be true; that is true; that might be.

Q. In fact, there would be a great many white men that would need as much protection as the Indians or as some of the mixed bloods?—A. Yes.

Examined by Mr. BURCH:

Q. Father, respecting the time of the passage of the Clapp Act and the reputed sale of allotments under the Clapp Act, is that what you mean by when the "storm" came?—A. Yes; when the sale of the lands began on the reservation.

Q. Had you known that the passage of the Clapp Act in 1906 would have produced such a rapid series of attempts over the reservation to acquire these allotments by speculators in any way possible from the Indians, would you have favored the Clapp Act?—A. No, sir; I would not have favored it under those conditions, except with the provisions for the safety of the young people; that is, the minors and people 18 or 20 years; that is my present view—I mean my personal opinion.

Q. Coming as the Clapp Act did, at the time it did, in the manner it did, do you think it was good?—A. Well, from the consequences, of course, it can not be called good; we can see the condition our people are in there.

Q. Father, if in addition to the Clapp Act there had been connected with it some further or preceding condition in the law—in the act—to determine as to who should sell, who were competent to sell, under the act, designating the parties by name or by class, would it not have been a great deal better?—A. Yes, sir; it would have saved most of the troubles, I think.

Q. Was it not due to the lack of such provisions that the speculators took deeds or conveyances, mortgages, from the children of the mixed bloods and the full bloods, too, because there was no previous arrangement as to who was who?—A. Yes, sir; that is true.

Q. Don't you believe, Father, that the full bloods themselves honestly misunderstood and sold their lands or mortgaged them, seeing their mixed-blood brothers do the same?—A. Perhaps that is natural, because they think, "If our mixed bloods have the rights, we want to have them, too; that is, we want the same rights."

Q. The same rights?—A. Yes.

Q. The temptation to get money to use, to spend, was as strong, was it not, with the full bloods at that time as it was with the mixed bloods?—A. Yes, sir.

Q. And how about the children; was it worse with the Indian children?—A. It was worse with the young people.

Q. Would you have regarded it as wise for an act to be passed without any safeguard which would have put young children as a prey for speculators and evil-designing men to approach them, to get their property away from them without any guardian being appointed for them or anything of that kind?—A. That is it exactly.

Q. During these troubles did the majority, even of the mixed bloods—adult mixed bloods—make good, wholesome use of the moneys they had received; I mean a majority, not all, but just the majority?—A. Well, you find, of course, mixed bloods among them, quite many families; they make good use, but they were mostly people of advanced age; but the younger people squandered their money, of course.

Q. Would you say that of the adult mixed bloods this is a majority; that is, that more of them make a poor use of the money?—A. Well, I think the majority made not very good use of it; but many did, of course, I will say that.

Q. Yes; of course. You think, then, that those who made the best use of it were the intelligent mixed bloods of mature years; that is, old enough to understand?—A. Well, I saw people there, mixed bloods, and they hardly have any education; they did better sometimes than well educated Indians; they do far better.

Q. Well, now, Father, what have you so say, from your observation of these Indians, after they get money, in the use of liquor? I mean after they sold, after 1906, and they got their money, how was it about the use of liquor; was it increased?—A. Yes; of course the circumstances brought it around. There was a time I never saw it on the reservation since 30 years, that is true; the first 10 or 12 years they were nice, sober people; I saw very seldom a drunken Indian. Of course it happened once in awhile, but if you will take the community inside the reservation—I traveled at night and daytime, on foot, and I must say, as the people up there on the reservation were living at that time, I can give them my testimony about that. Of course, on the line down there, when you come outside the reservation, in the towns and villages, it sometimes happens they might get whisky.

Q. Carry it right through, Father, along down the history of the reservation, about this act of 1906 and afterwards, the changes that occurred in that respect.—A. Then they were protected, also, the Indians, by the United States Government; that system did a lot of good inside the reservation.

Q. But after 1906, after the sale?—A. And after 1906 then the trouble started. As soon as the railroad came to pass, of course, towns rose inside the reservation, and there the Indians had a chance to get liquor.

Q. To sell their land?—A. Well, I suppose there were things done. It is bad to mention.

Q. Things bad to mention. Well, of course, I will not press the Father longer along this line.

Examined by Mr. BEAULIEU:

Q. Father, if a lot of property were to be thrown into the hands of, we will say, the citizens of Detroit, in your opinion, would not a great many of them squander that property? White citizens? I am asking your opinion.—A. That would depend upon what kind of people they were; I don't know as the people of Detroit——

Q. Well, any kind?—A. Well, there is probably something to it.

Q. Well, do you think that the people on the reservation, the mixed bloods, differ in that respect from the white people that squander their property, to any great extent?—A. Yes; I think some would do the same.

Q. Well, a great many made good use of their money, did they not, bought houses and made good use of the money?—A. Yes, sir; oh, yes.

Q. Now, in regard to the use of liquors, did not the United States for a great many years try to prevent the sale of liquor?—A. Yes, sir.

Q. At a very great expense?—A. Yes, sir.

Q. They were not successful in stopping the sale of liquor to the Indians, were they?—A. No, they were not always successful, but, as I looked at it, it hindered many things that would have happened—crime, murders. When I was up here, the first 15 or 20 years, only one murder happened in our community there.

Q. Is it not a natural consequence that where Indians are thrown into contact with the whites that they indulge in drinking whisky more than when they are isolated on the reservation?—A. Yes, sir.

Q. That is bound to come, as long as the Indians are thrown in with the whites—among the white people?—A. Yes.

Q. And while these land sales were going on, were not a great many full bloods—did not a great many of the full bloods go around and urge people to make affidavits that they were mixed bloods? Did you not hear of that?—A. Well, I heard about that.

Q. And did not you preach against that in the church, or discuss that with certain people?—A. Well, I warned them if they had to go before the courts that they don't tell stuff and lies, you know. I told them that.

Q. You wanted them to tell the truth, always?—A. Yes.

Q. Now, a great many suits have been commenced in the United States courts. Have you not known me to criticize that in my paper the last two years—as to the way they have proceeded? Criticizing Mr. Burch and his force?—A. I saw it in the paper, sometimes.

Q. You have seen that in the Tomahawk, frequently?—A. In the Tomahawk; yes.

Q. And prior to that time, and up to last winter, did you not see frequent publications in that paper in favor of the classification roll; that is, in favor of a commission to classify the people who are mixed bloods and who are full bloods?—A. Yes, sir; I saw that.

Q. And after the Burch corps arrived here, did not I advocate that in the Tomahawk as being the quickest way to settle the existing difficulties?—A. I saw that printed in your paper.

Q. And did not I suggest through that paper that the only way to settle the existing troubles was to have the witnesses on both sides come before the commission and show whether they were mixed or full bloods?—A. I saw that mentioned; yes.

Q. And don't you think that would be the best way now?—A. I think it would clear up many difficulties if a classification would be made upon the reservation.

Q. Would it not help Mr. Burch and his force to get at the facts—at the truth of things?—A. I suppose, if the work is done conscientiously and in a decent way, it would help all sides in that way. It would solve lots of these difficulties.

Mr. BURCH. Mr. Linnen would like to ask one or two questions, representing the Interior Department.

Examined by Mr. LINNEN:

Q. Father, you speak of the classification. Do you not know that when Mr. Moorhead and I were up there that we were honestly endeavoring to arrive at that classification as to who were full bloods and who were mixed bloods, and that we endeavored to do that to the best of our ability?—A. Yes, I saw that. You know, the trouble started with the pine business. I recommended to the Indian agent that the classification should be made through the Indian Department of all the people up there. Yes, I can say that I saw it.

Q. When we were there, were we not representing the Indian Department and the Secretary of the Interior in making that classification?—A. Yes, sir.

Q. And if that classification has been made honestly and justly, and has been approved by the department, do you say that it has been made honestly and conscientiously, or otherwise?—A. Oh, yes; you know, under the classification, I mean not only as to the blood but as to the ability and understanding of every mixed blood in regard to how he stands with his farm, or what he has the ability to do,

whether he is able to take care of his farm, and what Mr. Beaulieu mentioned, to make a real, genuine classification, not only in regard to the blood, but in regard to their ability to take care of their property and the use of their property for their children, and so on. I referred more to that than to the blood classification.

Q. As to competency.—A. Yes; as to competency. That is what I mean when I mentioned the classification. Of course, I know that the Government took that from your commission.

Q. Father, were there not saloons at the towns of Callaway, Ogema, Waubun, and Mahnomen—within the reservation—and were they not selling to Indians and minors the same as to white people?—A. Yes, sir; that is true.

Q. And after 1906, when the Indian could sell his land, was there not a reign of whisky drinking and debauchery among these people?—A. Yes, sir; it happened.

Q. And was not a great amount of the proceeds of the majority of those who sold their lands, especially the younger people, squandered for liquor and in dissipation?—A. Yes; they did.

Q. Were not the conditions improved somewhat after Mr. Moorehead and I went there and reported those facts? Was not something done to improve those conditions?—A. Yes, sir; it was done.

Q. And do you believe that Mr. Moorehead and myself honestly and conscientiously tried to do our duty by those people when we were there?—A. Yes, sir; I believe that; I know it.

Examined by Mr. BEAULIEU:

Q. Father Aloysius, did you hear whether Mr. Moorehead or Mr. Linnen ever called the mixed bloods up to see who were full-bloods and who were mixed bloods? Did they ever give a notice out?—A. Well, I think, in my opinion, Mr. Beaulieu, the thing started in Pine Point, you know, with the full-blood Indians, and that came around gradually; and as to the publication of the thing, it was known, I think, on the whole reservation that that commission was here to attend to that affair—that business.

Q. It was known generally, of course, all over the reservation that there was a commission?—A. Yes.

Q. Was it not generally known also that the commission said that any person who a full-blood could recover his land? Was not that the general talk upon the reservation—that if anybody was a full-blood, or would say he was a full-blood, he would recover his land? Did you not hear that?—A. Yes; of course, if he was a full-blood he had no right to sell his land; you are correct in that way.

Q. Yes; but that was the report that was circulated and attributed to Mr. Moorehead and Mr. Linnen, was it not? Did you not hear that?—A. Well, as much as I understand and hear, is our people around there they said that all those Indians who sold their land they had no right to sell it and the Government would try to save their property or restore it to them, if possible.

TESTIMONY OF REV. JEREMIAH JOHNSTON.

Examined by Mr. GRAHAM:

Q. Where do you live?—A. White Earth.

Q. How long have you lived there?—A. Four years next winter.

Q. Are you a clergyman?—A. Yes, sir.

Q. Of what denomination?—A. The Episcopal Church.

Q. How long have you been in orders in that church?—A. Twenty years.

Q. Where have you served?—A. I have served in Canada and in this country.

Q. Is your church in the village of White Earth?—A. Yes, sir.

Q. Have you any charge or mission other than that one?—A. Well, I preach at Ridgewood, a few miles from here, and also Callaway.

Q. Is there a school in connection with your church?—A. No.

Q. How large is your congregation?—A. Counting in with the other people, in the other villages, over 200.

Q. Who attend church at White Earth?—A. Yes, sir.

Q. Are they mostly of Indian or mixed blood?—A. Well, about half-and-half. I might correct that statement, because there are so few who have a certain percentage of white blood; I think there are more mixed bloods.

Q. What proportion of them are full bloods or substantially so?—A. Well, roughly speaking, I would say one-third.

Q. Having had experience as a clergyman in other communities. Mr. Johnston, will you give us your opinion as to the comparative religious zeal and religious feeling of the Indian blood as compared with white blood.—A. Well, the zeal of the Indian, I think, is, comparatively speaking, equally as good, if not better than the white's in some cases.

Q. You think they have rather intense religious feelings, do you not?—A. Rather religious feelings, when there are not hindrances to draw them away.

Q. What hindrances do you refer to?—A. Hindrances such as liquor and such amusements which have been encouraged in certain quarters which they should not have been, such as merely amusements, gatherings, dances—these are great hindrances to our people.

Q. At these dances, it is customary, or does it happen frequently, that there are intoxicants to drink?—A. From what I gather since I have come here it has been the custom of the Government to discourage these things, but I am sorry to say since I have come here it has been the other way.

Q. The course has been the other way?—A. The course has been the other way.

Q. You mean increasing rather than diminishing?—A. Yes; not only increasing, but it is encouraged.

Q. From Government sources?—A. Well, yes; I think they have.

Q. Well, now, can you particularize; can you be more specific and give us some idea how that is and where it comes from?—A. Well, to give you an instance: I had asked the privilege of having a choir practice one day in the day school, and when I came to the school for choir practice the place had been cleared. There were policemen there who had been instructed, I suppose by the Government officials, to clear the room, and a drum was going on there, and when I asked the reason of all this I was told that the Government officials had ordered this in order to gather the Indians for a big give-away dance.

Q. What is the meaning of the "give-away" dance?—A. The give-away dance is, when anyone wants to dance with an Indian, he can give him a present, and when you get through with that one dance

he will return the compliment and give you something. Now, that is not very good, merely from the standpoint of trying to help the Indian.

Mr. GEORGE. The dance or the give-away?

The WITNESS. The giving away.

Mr. GEORGE. Is it anything in the nature of a favor?

The WITNESS. No; I look upon them, to speak honestly, as a sort of gambling.

Q. The thing given is some sort of keepsake, something of value, is it?—A. Yes; I might say distinctly now that, with every respect for the officials, I have been told, and it only reminded me when Mr. Linnen was asking questions of Father Aloysius regarding their visit to White Earth—whether it is true or not I am not prepared to say—but, since you have asked me, I have been told that these gentlemen have come to Detroit and have bought 5-cent trinkets in this city and have gone down there to those dances and given them away and received their nice beaded bags and fine, large pipes, which would easily sell for from $3 to $5.

Q. Well, did you receive that information from a source which you credited?—A. Well, I had a reason to believe I did.

Q. Were those give-away dances frequent?—A. Since then they have been; but I am told by the people on the place that it is customary for the Government officials to discourage them all they can, but that is not the case now.

Q. If I get your thought, or if I understand you correctly, the Indian girls are the ones who are usually cheated in that exchange; is that right?—A. I have not heard it so; it is not any one class or particular kind of Indian; they all take part, the old and young.

Q. Do many white girls attend these dances?—A. Well, I have seen it, I am sorry to say.

Q. They dance with Indian or mixed-blood men?—A. Oh, yes.

Q. It is a matter of great difference, I suppose?—A. Quite so.

Q. I am not finding fault with it, but am trying to get at the fact. Is it the rule of the dance that each couple which dances shall exchange some piece of property?—A. Yes; it is the rule in that particular dance.

Q. Well, then, if the same couple dance again, they would exchange back. How about that?—A. Certainly, it is in the exchanging. If you want to dance with a person, you are supposed to give him a present.

Mr. GEORGE. You buy their approval with a present?

The WITNESS. I am not familiar with it, but you are supposed to return the compliment and give a present the next dance.

Q. Now, to be perfectly plain about it, is it your conclusion that that practice was encouraged at the time Mr. Moorehead and Mr. Linnen were on the reservation?—A. I don't say that. I don't want to impress the idea; but when it was, as I understand it, about died out or to a certain extent put down, then it was revived. It was revived at that time.

Q. Since that time it has been growing in favor?—A. I think so.

Q. Well, is there anything else which occurs to you that interferes with the good of the Indians there?—A. Well, of course, I have not anything in particular, only that I have just mentioned these two things—the drink and that. And I want to say this: That I don't

object to people having a dance and amusing themselves in any way, but in that kind of a way it is, I think, not helpful at all; rather the other way from a moral standpoint, because these people spend days and days making their beadwork, and they prepare for them—what they are going to do at the next gathering of that kind—and when you go to them to buy a very small article they will ask you at least, as I said before, from $3 to $5, and the idea of giving that away at a single dance for a little present that would perhaps cost 25 cents is, I think, not honest, and it is not helpful to the Indians, because they get all enthusiasm and in such a state of excitement that they don't care what they do. It is not helpful to the Indians.

Mr. GRAHAM. Proceed, Mr. Beaulieu.

Examined by Mr. BEAULIEU:

Q. Do you remember of a dance which took place in front of the agency office in a large tent? Did you hear of that dance?—A. Yes, sir.

Q. Did you learn for whose benefit that dance was gotten up?—A. I did hear that the inspectors who came from Washington desired it.

Mr. GRAHAM. Let me ask a question there, please. Does dancing there mean what it does to the most of us? Do they dance the modern dances, or is it some kind of an Indian dance?

Mr. BEAULIEU. It is an Indian dance with a drum, and they sing.

Mr. GRAHAM. I know; but do they dance in couples, or dance like quadrilles, waltzes, etc.?

Mr. BEAULIEU. Oh, no; they have a war dance; they are Indian dances entirely; they are not civilized dances.

Mr. GEORGE. So that this dance is different from the dances you spoke of. You formerly spoke of our dances—the white man's dances—and now Mr. Beaulieu is speaking of the red man's dances.

The WITNESS. I was speaking of those Indian dances; I didn't speak of the white man's dances.

Mr. GEORGE. The former dances are Indian dances?

The WITNESS. Yes; they were Indian dances that I spoke of and not the white dances.

Q. That dance lasted two or three nights, did it not—in a large tent in front of the agency office, right alongside of the agency office?—A. Well, now, I don't remember; I can't say how long it lasted; only I saw the tent brought and was informed that it was put up for that.

Q. You saw the tent there?—A. Yes.

Q. Did you ever hear of a similar dance that had taken place in Beaulieu, wherein Mr. Linnen and Mr. Moorehead were the principal guests—did you ever hear of that dance in Beaulieu when Mr. Linnen and Mr. Moorehead were there?—A. I may have, but I don't remember it at this moment.

Q. Mr. Johnston, do you know a man named George Walters at White Earth?—A. Yes, sir.

Q. He is a member of your church, is he not?—A. Yes, sir.

Q. He has caused a great deal of trouble in the church, has he not?

Mr. GRAHAM. Now, what is the purpose of this?

Mr. BEAULIEU. I want to show that George Walters not only caused trouble to people generally but also in that church to which he be-

longed. He caused such a turmoil there that they had a great deal of trouble.

Mr. GRAHAM. Well, I don't think that we ought to have a church trial here, Mr. Beaulieu.

Mr. BEAULIEU. Well, I just wanted to show the kind of man——

Mr. GRAHAM. I don't think we want to inquire into the relations between the churches and the members.

Mr. BEAULIEU. All right.

Q. Do you know a man named Rev. Kahoused upon the reservation?—A. Yes, sir.

Q. He is a member of your church, is he not?—A. Yes, sir; he is a clergyman of our church.

Q. Did you ever hear him mention that a farmer had been employed at Beaulieu, a Government farmer?—A. Yes, sir.

Q. Did you hear him state that that farmer was an expert farmer—employed as an expert farmer?—A. Yes; he was employed as an expert farmer. Yes; I think I remember that.

Q. Did you hear him state what that farmer had been doing during the summer that he was there?—A. Yes.

Q. Did he not say that that farmer had simply weeded out the school garden; gone in there occasionally and weeded the school garden?—A. Yes, sir.

Q. Were you present when he made that statement?—A. I was present; and your brother, the Rev. Clement Beaulieu.

Q. He voluntarily offered that statement, did he not?—A. Yes, sir.

Q. Do you know the name of that farmer?—A. No; I don't.

Q. How long did you say you have been at White Earth?—A. Four years.

Q. And during that time you have seen what the Government has been doing generally around the agency in the way of conducting its work?—A. Oh, more or less, I suppose I observed——

Q. Do you think there could be any improvements made in the manner of its conducting its work there?—A. Yes; I suppose there could be; I wouldn't like to state.

Q. Do you think that it could do the work that is being done more economically than it is doing it?—A. That I am not prepared to say.

Q. Did you ever pass by Maj. Howard's house during the past two or three years—two years—since you have been here?—A. Yes, sir.

Q. Did you ever see any Indians examining his experimental garden?—A. You mean the men of Indian blood or mixed blood?

Q. Well, any.—A. Yes; I have seen Indians working there.

Q. You have seen them working there?—A. Yes, sir.

Q. How many at a time?—A. From one to two.

Q. But you never saw several going around and examining the garden to see how it was growing or what was being done in the garden?—A. I don't remember.

Q. How large a garden has he—about how many acres?—A. I should judge about 1½ acres; probably 2.

Mr. BEAULIEU. That is all.

Examined by Mr. BURCH:

Q. These gift dancers, these give-away dances are affairs wherein all Indians, old and young, from any part of the reservation, and independent of the guests at their celebration, or at any time, exchange

tokens or presents with each other; it is a matter of exchanging presents with each other, is it not?—A. Not only at their celebrations; it is not so much, I think, objectionable at their annual celebrations as at gatherings called specifically for that purpose.

Q. Yes. Then we may eliminate from your testimony practically the annual celebration on the 14th of June at White Earth?—A. Well, yes; I think so.

Q. Now these dances that you know of, that shocked your sense of propriety, where were they—what places?—A. Well, if the information given me be true, I think it has been carried on almost every place; I can't say all the different places, you know.

Q. Now, the difficulty with your testimony—with which I don't wish to find any fault at all—is that it is general. Tell me what places you know of where some of these dances have occurred; be definite; that is what we want.—A. I stated definitely once of one at the schoolhouse at White Earth.

Q. When?—A. At the time Mr. Linnen and Mr. Moorehead were there; I can't state definitely the exact date; I can't give you that.

Q. Who were present? Who are the Government officials who were present? You must bear in mind that there are many Government officials, some of them might plead not guilty. I want to know who were present?—A. Well, of course, Mr. Howard is the Government appointee there, so to speak.

Q. Was he present?—A. Not at the time. I met Mr. Linnen and Mr. Moorehead on my way home, and of course I took for granted that they were going there.

Q. Those are the men you mean who indulged in this demoralizing affair—this give-and-take dance or whatever they call it—on that occasion?—A. Yes.

Q. Were there any other Government officials there at that time?—A. I didn't wait until the dance began.

Q. Answer my question. Do you know of any other Government official——A. No, I don't know of any Government officials.

Q. Was this dance given in honor of these gentlemen, Mr. Moorehead and Mr. Linnen, did you learn?—A. I can't tell, only what I was informed.

Q. That is one dance. Now tell me of another time and place, and who were present.—A. The place was where that tent was put up there which Mr. Beaulieu referred to.

Q. Where?—A. Outside the Indian office at White Earth.

Q. Any other than that one?—A. That was the same time.

Q. Well, who were present then?—A. I can't tell you that because I was not present myself.

Q. Who did you hear were present?—A. I went in there to see these Government officers, and I heard that Mr. Linnen and Mr. Moorehead were present.

Q. A second time?—A. Yes, sir.

Q. How long was that after the first time?—A. I can't tell you that. I think they were winding up their affairs at that time, if I remember rightly.

Q. Well, now, tell me another place; I want to know more, if I can, to show who were demoralizing affairs there and who were not.—A. You mean when the Government official were there?

Q. Any place on the reservation when Government officials were present; I want to know about it.—A. Now, it comes to my mind, and I took for granted that they were present, since you have asked me that—at that time when they had that schoolhouse—Maj. Howard himself must have been there, because I went over from the schoolhouse to his place, and there were some ladies and gentlemen there, and one of them was the Rev. Mr. Smith, of Sauk Center. They were getting an invitation from this gentleman from Sauk Center, and were all prepared ready to go to this dance, and I went on my way home, and they started the other way to go to the dance——

Q. That is what I want to know—when was a Methodist minister connected with the Government?—A. And Mr. Howard and the ladies, I don't remember their names.

Q. The two gentlemen and this Methodist clergyman?—A. Mr. Linnen and Mr. Moorehead I met on the way, and when I came from Maj. Howard's they were on their way.

Q. That was three times?—A. No; just the same thing I am speaking about.

Q. I was asking you of another one, more than these two.—A. I am not speaking of another one. This is all I know personally, only from hearsay.

Q. I want your hearsay; I want to find out; I want to probe this matter.—A. Now, this is all I can tell you about it.

Q. Well, have you heard of any anywhere else on the reservation?—A. No; I don't remember at this time.

Q. Do you say that these dances have anything of an immoral nature about them, except that there is an interchange of presents, any immoral tendency in the character of the dance or any refreshments there, or anything of that kind?—A. I don't think it is very helpful morally, and besides they not only give away these presents that they have been working on—not only the fine beadwork, but the things they buy from the store and pay their money for, and they have given them away when they could be made good use of and they need them in their own homes.

Q. I am not speaking of that so much as I am of what happens at the dance. Now, can you comprehend this: That there might be dances of a very immoral character outside of the mere giving and taking of presents?—A. Yes, sir.

Q. Immoral performances in themselves or of bad tendencies. Was there anything of that kind in these dances?—A. Well, of course, I have not attended any of these dances any more than I was there when they had their annual gathering on the 14th of June. That is plain outside in daylight. Of course, you don't see anything there, anything more than giving away. What takes place in these other places I am not prepared to say for I am not there.

Q. Now, Mr. Johnston, what you charge, then, substantially, against Mr. Linnen and Mr. Moorehead—they are the only Government officials you name except Maj. Howard and the Methodist clergyman—your charge was that they would drive hard bargains—sharp exchanges, so to speak—with these poor Indians; that they gave them trinkets or trifles of no value and got valuable presents in return?—A. Not only that, sir, I mean this——

Q. Wait one moment. Do you charge that that was the fact in these cases that you speak of?—A. That is one thing; yes, sir; I do.

Q. And you charge and you have been informed to that effect?—A. I have been informed to that effect.

Q. Now, who informed you?—A. Of course I can't give you the names of the persons.

Q. Well, I must have them.—A. You can't have them if I can't tell you.

Q. Well, if it is hearsay, we can not take that against men who may be men of some reputation; and you certainly ought to tell us if you make the charges, and we ought to examine these people and find out whether it is true or not.—A. I am simply stating my observation. I am not prepared to give you the names, but I can find out.

Q. Will you do so by next Monday?—A. I will try.

Q. Would you furnish a list of the persons who charge these men with meanness toward the Indians?—A. I will try.

Q. By next Monday?—A. I will try.

Q. And have it include all that you have heard, because we want to know what kind of people we have. Now, Mr. Johnston, have you any personal feeling against this Rev. J. Brabant Smith, this Methodist clergyman?—A. None whatever; I only met him once in my life.

Q. You knew he had been a missionary among the Indians like yourself?—A. I didn't know. I only had an introduction at that time; but they were all prepared to go, and of course I couldn't stay. They wanted to go to this place.

Q. Have you heard that he is a highly accredited and influential minister in the Methodist Conference here?—A. I would not like to say one way or the other; to the clergy we must have a respect.

Q. Have you aught against him?—A. Nothing; nothing.

Q. I don't know, Mr. Johnston, as I need to pursue this. Mr. Linnen, on his own account, being accused, would like to ask some questions.

Examined by Mr. LINNEN:

Q. Did you not, and all your church, use the day school at White Earth last week for a dance for the benefit of your church?—A. Yes, sir.

Q. And did you not later request the use of the Government hall for that same purpose?—A. Yes, sir; not an Indian dance. I want to say, not an Indian dance.

Q. No; not an Indian dance. Your church have a hospital building at White Earth, have they not?—A. Yes, sir.

Q. How long had that hospital been closed before Mr. Moorehead and I went there?—A. I couldn't say, because I was not there.

Q. Had it ever been opened during the time you had been there?—A. No.

Q. For the benefit of these sick Indians?—A. No.

Q. Did you make any effort to have it opened?—A. I spoke to my friends at different times about it.

Q. Did you not in every manner possible lay obstacles in the way and oppose the opening of that hospital when Mr. Moorehead and I tried to secure it?—A. No, sir. I absolutely deny such an inference.

Q. If Mr. Moorehead would join with me in the statement that that is true, you will still stick to your statement?—A. Yes, sir.

Q. With relation to a certain Indian woman who came from Cloquet to testify before Mr. Moorehead and myself, as to how she had been robbed and mistreated in the sale of her lands and the giving of whisky, and so on, whom we didn't send for, she went to your house, did she not?—A. Yes, sir.

Q. How long did she remain there?—A. I can not give you the number of days, but if I remember rightly it was either 12 or 13 days, more, maybe. I can not just remember.

Q. Had we sent for that woman?—A. Yes, sir.

Q. Do you know that?—A. Yes, sir.

Q. How do you know that?—A. Well, I came to tell you about that, or rather I told Mr. Howard, I think. I don't remember whether I told you personally about it, but Mr. Howard, I am sure.

Q. Did you afterwards collect from Mr. Moorehead the pay for that woman's board while she stayed at your house?—A. Yes, sir.

Q. What had Mr. Moorehead or I to do with that. What had we to do with her board when we had nothing to do with her coming to stay at your house?—A. I don't know any other than that Mr. Moorehead asked me to keep her until the time you were ready to take her testimony, and that you would pay for that keeping.

Q. Mr. Moorehead will not so state.—A. Well, I don't care what he states; I only talk what he stated to me.

Q. Who told you that Mr. Moorehead and I bought 5-cent trinkets in Detroit?—A. Well, I have been asked to furnish a list of my informants, and that I will do, I suppose; if I can not, then I suppose I will have to take back what I have stated.

Q. On the 31st day of December, 1909, did you not make this statement before me and before Mr. Moorehead in the presence of witnesses, under oath [reading from paper]:

I am of legal age and at present reside at White Earth, Minn. I am the rector of an Episcopal Church at White Earth, Minn., on the White Earth Reservation; about two months ago I was requested by Mr. Chauncey E. Richardson, attorney for the Chippewa Tribe of Indians, to accompany him to the home of Mrs. Walker, or Wah-see-yah, a Chippewa Indian woman of the full blood, I believe, residing on the mission grounds, where he desired me to interpret for him, I being able to speak the Chippewa language, and I did so. The substance of the matter talked about was as follows: Wah-see-yah had, some two years ago, sold the pine on her allotment to Nichols-Chisolm Lumber Co., of Frazee, Minn., the sale being perfected by or through Gus Beaulieu, of White Earth, Minn. She was promised $2,100 for her timber and had received $25 in cash, and had traded or bought goods at various times and in various amounts, the full amount of which she did not remember. No accounting had been made to her, but she felt that the Nichols-Chisolm Co. still owed her some money. Mr. Richardson took notes, she had been asked at different times. She had given orders to Mr. Holmes on the Nichols-Chisolm Lumber Co., the amount of which she did not know. Attorney Richardson also took notes of the sale made by Joseph Walker, signed by Wah-see-yah. He had sold his land to Banker Holmes, of Detroit, Minn. Attorney Richardson got a power of attorney from Joseph Walker to handle his case. About a month ago I received a letter from Mr. Richardson in which he inclosed a check in the sum of $10 from the Nichols-Chisolm Lumber Co., from Frazee, Minn., which he asked me to give to this woman, which I did. I inadvertently burned the letter, but the substance of the same was that the inclosed check of $10 from the Nichols-Chisolm Lumber Co. was for Wah-see-yah, and the request made to give the same to her, intimating that the same was an act of charity.

Is that true?—A. That is true.

AFTERNOON SESSION.

Mr. GRAHAM. Do you wish Mr. Johnston back on the witness stand?

Mr. LINNEN. Yes, sir; if you please.

JEREMIAH JOHNSTON—Recalled.

Examined by Mr. LINNEN:

Q. Mr. Johnston, are you a citizen of the United States?—A. No, sir.

Q. What is your native country?—A. Canada.

Q. How much land does your church own and control at White Earth?

Mr. BEAULIEU. Mr. Chairman, there was an objection made to inquiring into church matters this morning, and I don't believe we should go into church matters at this time.

Mr. GRAHAM. Mr. Beaulieu, there is a wide distinction between this matter and the one you referred to. Your question related to the standing of a church member in the church and his conduct with reference to the church and the other members. The chair did not think that was a proper matter to inquire into, but when the priest was on the witness stand the amount of land that went with his church and school was testified to, and I see no reason why it should not be gone into now. I would, however, take the same view again of the matters about which you speak. I don't think the committee has anything to do with the personal relations between the members of the church and the church body or the congregation. I think the question is a proper one.

A. I think somewhere about 118 acres; about that, as I understand.

Q. Has your church also some land at Pine Point?—A. I think they have.

Q. How much?—A. I couldn't say.

Q. Have they also land at Beaulieu?—A. I believe so.

Q. Do you know how much?—A. No; I don't know.

Q. Have they land elsewhere on the White Earth Indian Reservation, in all about 1,000 acres?—A. They may have, but I am not prepared to say.

Q. From whom did they acquire these lands?—A. I am not prepared to say that.

Q. Was it not lands of the Chippewa Tribe of Indians?—A. I suppose so.

Q. Or some of that land which was deeded to your church by the Government?—A. The White Earth Chippewa Indians were there in some buildings of former settlers—Indians who had built homes there and had lived there.

Q. For many years?—A. I don't know.

Q. Do you not know that there are two or three houses of Indians on those lands that you are now collecting rent for?—A. Yes, sir; but those, as I understand it, have been built since.

Q. Have been built since you came?—A. No; not since I came. [illegible]ore I came, but after——

[illegible]. You are collecting rent from widows who live in these houses—[illegible]n women—are you not?—A. We are collecting the rent from

certain rentees there to protect our rights—a small rent, 25 cents a month.

Q. Are you not collecting ground rent as high as $6 a month from some of these people?—A. No, sir; 25 cents a month for ground rent, that is all.

Q. And what rental for these houses?—A. Nothing. The houses do not belong to us. These people, as I understand, asked permission to build these houses on the mission land because they wanted to be near the town and the church, and they got that privilege. But in order to protect our own rights the authorities have thought fit to ask for a small rent, in order to protect our rights. That is all it is.

Q. You are also collecting rent from nurses who are employed there at the hospital, are you not?—A. Not that I am aware of.

Q. Have you not collected $6 a month rental from two nurses who are employed there?—A. That was some time ago through a contract that was made between myself and Maj. Howard at my house. They asked for a room. They have dispensed with that some months ago.

Q. Does that house not belong to the church?—A. Yes, sir; but that is my house so long as I occupy it.

Q. Why was it that you refused to grant the Government permission to use that hospital which had been closed there for years, and opposed using it—having it thrown open?—A. Well, if you will give me the information where I opposed——

Q. Why was it necessary to take the matter up with Archdeacon Purcell and Bishop Morrison, and why was it necessary for Hon. Merrill E. Gates, a minister, who is secretary and chairman of the United States Indian Commissioners, when he came up there, to have to take it up with these bishops?—A. I didn't feel that I had authority to go and make a contract with the Government to rent that. Archdeacon Purcell is my bishop and it was their place to make a contract, not mine.

Q. And did you not oppose it?—A. No, sir; and I defy anybody to show me anything of that kind. I rather encouraged it. It was through my work, I think, that it was open so many years.

Examined by Mr. BEAULIEU:

Q. Mr. Johnston, is it not the Government's policy to break up the Indian dances, if you know?—A. Well, that is what I have been made to understand, that it has always been the policy heretofore of the Government to discourage or stop this kind of dances all they can.

Q. Especially those dances where they give away everything they own?—A. Yes, sir.

Q. You are not a wealthy man, are you?—A. I wish I was. No, sir; I am not.

Q. And you are comparatively a poor man?—A. Yes, sir.

Q. And you could not afford to keep anyone at your house whom the Government wished to use as a witness, could you?—A. No, sir.

Q. And for that reason you presented a bill for board to Mr. Moorehead for the care of the woman who remained at your house which Mr. Linnen spoke of?—A. Yes; and another thing, because he said they would settle the matter if I would keep her—if Mrs. Johnston would keep the woman.

Mr. BEAULIEU (to Mr. Linnen). Will you let me have that affidavit read this morning?

Mr. Linnen hands Mr. Beaulieu the affidavit.

Mr. GRAHAM. Proceed as fast as you can.

Mr. BEAULIEU. I am proceeding as fast as I can; I am cutting out a great deal that I would like to put in. You introduced this as an affidavit, did you not?

Mr. LINNEN. I did.

Mr. BEAULIEU. And Mr. Johnston swore to it? Mr. Johnston, did you swear to this affidavit?

Mr. GRAHAM. It was read to him and he stated that the contents of it so far as read were correct.

Mr. BEAULIEU. Well, possibly the substance of it, but I wanted to examine him about the affidavit; but I can see his signature is there.

Mr. GRAHAM. Under the circumstances that does not matter.

Mr. BEAULIEU. I know, but he presented it as an affidavit. Now, I will ask that this be stricken out as an affidavit, so far as being an affidavit signed——

Mr. GRAHAM. I don't think it has been introduced as an affidavit. Mr. Linnen read from that paper to Mr. Johnston and Mr. Johnston stated that what he read was true, or that in substance.

Mr. BEAULIEU. Well, it is not on record as an affidavit.

Mr. GRAHAM. I don't know whether it was before or not.

Mr. BEAULIEU. But if it is on record as an affidavit, we will protest against it being put in as an affidavit.

Mr. GRAHAM. Is that one of the affidavits introduced heretofore as an affidavit?

Mr. LINNEN. No, sir.

Q. Mr. Johnston, you have heard about the Burch force?—A. Well, yes; I have heard about it.

Q. Can you suggest any way by which that force could expedite its work here in prosecuting and setting aside these land sales by White Earth allottees?

Mr. GRAHAM. Mr. Beaulieu, I don't object to his answering. I want it to go in the record, however, for the benefit of the committee, that we are not investigating the Judicial Department to which Mr. Burch is attached.

Mr. BEAULIEU. I am going to follow that up a little further. I don't want to give him any leading questions.

Mr. GRAHAM. Answer. It is the quickest way, probably?

A. Well, that I don't wish to answer at the present moment.

Q. You have heard about a classification bill, have you not?—A. Yes, sir; which was passed?

Q. No; I mean the classification bill which proposed classifying Indians and mixed bloods.—A. Yes, sir.

Q. Do you not think that bill would be a good thing to settle matters upon the White Earth Reservation? Would it not enable the authorities to learn who were mixed bloods and who were full bloods in a fair manner?—A. I rather think so.

Q. Do you not think it would be a better way than the present system which is being followed?—A. I may state that I am not very well acquainted with the bill which you have reference to, and, therefore, I do not care to say very much about that matter.

Q. Do you not think that a commission of three good men should procure the evidence of the Indians upon the reservation as to who were mixed bloods and who were full bloods—would it not be the quickest way to settle the difficulties up there?—A. I think that men who are acquainted with the people would likely find out more of the status of the blood than others who do not know anything about it.

Q. Would not that be a fair way to the farmers who have purchased the lands?—A. I think so.

Q. They would not then have to go into the courts and go to the expense of paying attorneys and other expenses which probably would amount to as much as the lands are worth. Is that not a fact?—A. Well, I suppose they would not likely be as much as is the case now.

Mr. GRAHAM. I was going to suggest to you, Mr. Beaulieu, that the value of the evidence is affected very much, in my judgment, by the manner in which it is brought out. Your questions, "Do you not think thus and so," do not give the witness a chance to express his opinion at all. Now, why not ask him, "What do you think about so and so," and get his view of it?

Mr. BEAULIEU. I would confine myself to the rules of evidence as far as possible, but I am following the example set by Judge Burch. I am doing so because he did so.

Mr. GRAHAM. Well, I don't want to weigh the equities between you, but I am suggesting it to you; and really when you come to read the record and the man asking the questions states the whole theory and asks the witness, "Don't you think so," the evidence is not nearly so valuable as if you should ask him, "What do you think about it," and let him tell it in his own way. Then it is his testimony.

Mr. BEAULIEU. It will take a longer time——

Mr. GRAHAM. No, I don't think so. I think Mr. Johnston can tell it as quickly as you can.

Mr. BEAULIEU. I am accustomed to dealing with Indian witnesses, and I am not making a distinction, although he is a white man.

Mr. GRAHAM. I thought I would suggest that. Now, you pursue your own course.

Mr. BEAULIEU. Yes, sir; I am much obliged. I don't think I will ask Mr. Johnston anything more.

Examined by Mr. DENNIS:

Q. You interpreted, Mr. Johnston, for this Wah-see-yah?—A. Yes, sir.

Q. Between her and Mr. Linnen and Mr. Moorehead?—A. No, sir; not in that way. I interpreted for her before Mr. Richardson.

Q. Did you ever interpret for Mr. Linnen or Mr. Moorehead?—A. Not for Mr. Linnen; I did for Mr. Moorehead, in one case.

Q. Just one case?—A. One case; yes.

Q. In regard to the blood of an Indian?—A. Well, not only to blood, but in regard to her case about a land deal; I should say a land fraud, I think.

Q. That is, she was representing herself as either mixed or full blood, to Mr. Moorehead?

Mr. GRAHAM. The lawyer is falling into the same plan of questioning that the newsparep man has.

Q. What I want to get at, Mr. Johnston, was there not a representation made to this person that you interpreted for, by Mr. Moore-

head, to the effect that if she would testify that she was a full blood she would get her land back?—A. Not exactly in that way——

Q. Will you explain, then, how it was?—A. The old lady referred to was Mrs. Coburn, from Cloquet, who came to us, a cripple; she could get about, but she is almost a cripple; and she came to bring her case before the Indian inspector, and I brought her in my own rig to the office. Mr. Linnen was not there; he was away at that time. Mr. Moorehead was alone in the office. She came and presented her case to Mr. Moorehead, and he said, "Well, if you are a full blood we can take your case for you, but if you are a mixed blood. then we can not help you any." In that way, he didn't tell her——

Q. Did she testify that she was a full blood?—A. Yes; I think she did.

Q. That is all, Mr. Johnston.

Mr. LINNEN. My recollection now is that the lady he means was a mixed blood and was not reported as a full blood by us. That is my recollection now.

Mr. GRAHAM. Mrs. Coburn?

Mr. LINNEN. Yes; and with relation to the statement that has been made by the Rev. Johnston regarding these dances and what was done there, I desire to make a short statement into the record as follows——

Mr. BEAULIEU. If he is going to make that statement, I would like to ask him to get on the stand and be sworn.

Mr. GRAHAM. He is under oath. He can speak from where he is. there is no charm in this chair.

Mr. LINNEN. I have been sworn. During the time that Mr. Moorhead and myself were on the White Earth Reservation, during the summer of 1909, there were several dances held by the Indians; I think possibly three. That is all I have any recollection of now. They were held without any authority from us. We were not in any manner responsible for them. The policy of the Indian Department is to suppress dancing among the Indians, especially those dances which are believed to be immoral. These dances were gotten up by the Indians, in one instance they have referred to, at White Earth; a tent was erected there by some of the Indians, I don't know under whose authority, but certainly it was not mine or Mr. Moorhead's. They also held a dance one night in the day school there. Mr. Moorhead and I attended as spectators to see how they did and how they danced, the same as you gentlemen would look in if you were there, as I anticipate. These dances were being held under the supervision of the Indian police. There was no liquor there, there was no disorder, and all of the dances I have ever seen which occurred on the White Earth Reservation I respectfully submit and state that they are not one-half as immoral or demoralizing as are the dances of the white people, some of which have recently been held for Brother Johnston. I have never seen any liquor at those dances; I have never seen anything of an immoral character. The Indians get together and they dance around a little ring or hop around; there is no intermingling, there is no taking hold of each other so far as I could observe, and nothing of an immoral character. It is true that they exchange little presents, the custom being that if an Indian wants you to get up and dance with him he will come and give you a pair of moccasins or a little piece of beadwork or a little string of beads, or

whatever the case might be, and you are supposed to accept it and you get up in the ring with him and in return you are expected to give him something, and in that connection I want to say that while I attended three of those dances as a spectator, and while I was presented with presents by various of those Indians, who had a very friendly feeling toward me, and which presents I accepted, that I gave them in return twice the value of any little trinkets which I received. On one occasion in that Indian tent I recall some little trinkets—little article of jewelry, some of which Mr. Moorhead and myself had purchased in St. Paul and elsewhere, some costing as much as $4 or $5 apiece. I expended $36 in cash on that particular night at that tent, and I respectfully submit that I did not take home to exceed $8 or $10 worth at the outside of little Indian trinkets, and so I want to say here and now that where I ever received at the hands of an Indian in little Indian trinkets I returned it twofold, twice the value always. And there was nothing harmful or degrading about these dances that I saw. With relation to the dance held at Beaulieu, there was an attempt, an effort made there, to create a disturbance by John Carl and certain of his following whom he brought there from Mahnomen, with whisky, in an attempt to break up that dance. The Indian police there were instructed by me, and also by Mr. Moorehead, to put them away from there, to remove them from the dance, which they did.

Mr. GRAHAM. Mr. Johnston, do you desire to ask Mr. Linnen any questions on the statement he has just made?

Mr. JOHNSTON. Well, I don't know whether I would want to ask him, but I would like to make a few statements regarding his remarks, if you will allow me.

Mr. GRAHAM. Is it something you have not stated before and something strictly in reply to what he has said?

Mr. JOHNSTON. Strictly in reply, I think, as far as possible. He has substantialy admitted here the fact that he has——

Mr. GRAHAM. Please do not argue the case. Just make the statement.

Mr. JOHNSTON. He spoke here of a dance that was made for me. Well, now, I object to that statement, because the dances are not made for me; and when he comes here as a representative of the Government at Washington, I considered at the time, and I do consider yet, that it was a thing that was not the right thing for a man of his standing and capacity to do—to show the Indians of this place, to encourage a thing that heretofore the Indian Government had tried to suppress. He states here that the Government heretofore had been trying to suppress such a thing, and he comes down here as a representative of the Government to try to encourage the thing and revive it.

Mr. GRAHAM. You stated that before, Mr. Johnston, in your testimony.

Mr. LINNEN. I said the dances which the Government considered harmful. Those are not.

Mr. GRAHAM. I think that should close this incident.

Mr. BEAULIEU. He stated that he expended $36 worth of jewelry.

Mr. LINNEN. I didn't say so. I said $36 in cash, aside from it.

Mr. BEAULIEU. In cash; it is the same thing.

Mr. LINNEN. It is not the same thing.

Mr. BEAULIEU. We would like to know who he gave that cash to.

Mr. GRAHAM. Well, I don't think we care. You can find out some other time if you wish.

JOHN R. HOWARD—Recalled.

Mr. HOWARD. Mr. Chairman, before we commence to-day, I wish to call attention to a question that was asked me, I think by mistake, by Mr. Beaulieu. I don't think he understood the matter, asking me if I recommended Engineer Lambert, after his release from duty at the White Earth School, to a similar position as engineer at the Sac and Fox Reservation. I stated that I might have done so, if I recalled my testimony, as I had frequently given the Indians a second chance to make good. I find upon reflection that I did not recommend Mr. Lambert to another position, but I did recommend his transfer from the Sac and Fox Reservation to the White Earth Reservation as engineer there, and it was on my recommendation that he was appointed to that position.

Now, another matter: I testified yesterday from memory, relative to a claim made by Mr. Beaulieu for the remuneration for funds expended by him, for a claim presented to Levi White. That was not as complete as it should have been. [Reading:] "White Earth, Minn., August 3, 1910. To the honorable Commissioner of Indian Affairs, Washington, D. C. Sir"——

Mr. GRAHAM. Are you going to read us a document?

The WITNESS. I just wanted to read some matters there that do not appear in my testimony.

Mr. GRAHAM. How long is it?

The WITNESS. Very short. Very short. It will not take more than a few minutes to read it. [Handing paper to chairman.] It is the complete record of the whole matter.

Mr. GRAHAM. Well, it would seem to me that it is not material enough to give it a great deal of time, but you may read it.

Witness then read into the record the following letter:

WHITE EARTH, MINN., *August 3, 1910.*

To the honorable Commissioner of Indian Affairs, Washington, D. C.

SIR: I have your office letters of April 28 and July 28, 1910, relative to the claim presented by Levi White, amounting to $150, for services alleged to have been rendered by himself and an assistant as check scaler for a period of 30 days during the summer of 1909 while engaged in inspecting logs cut from the Chippewa Reservation in Minnesota and floated on the Mississippi River, and in which I am requested to make a report in the premises.

On July 31, 1909, your office transmitted to me for investigation and report a letter dated July 6, 1909, from C. E. Richardson, then attorney for the White Earth Band of Chippewa Indians, in which he asked me to expend $150 from the Indian moneys in making an investigation of the log cutting from ceded Chippewa lands. It was not until September 25, 1909, that I was able to complete a thorough investigation and make a report on the matter referred to by Mr. Richardson. Upon receipt of your letter I had an interview with Mr. Richardson, requesting him to furnish me with a certificate for the purpose for which he desired this $150 expended. He stated to me at that time that his request was suggested by Mr. Gus H. Beaulieu, of this place; that Mr. Beaulieu had informed him that he had expended or promised $150 to some parties whom he, Beaulieu, had employed to make some sort of investigation in connection with the cutting of timber on the ceded lands of the Chippewa Tribes of Minnesota. I had at that time interviews with the most representative men on the reservation, including Mr. B. L. Fairbanks, who, when asked about the matter, replied: "It is probably some of Mr. Beaulieu's matters."

Mr. Fairbanks is widely known on this and other reservations in Minnesota, he having control of a line of general-merchandise stores. He is a mixed blood and is considered influential among the Indians on this reservation, and I believe his statement gave a true idea of the way in which the proposed investigation was regarded by those Indians who had knowledge of it. I sent a special messenger to Mr. Beaulieu's office, which is just across the street from the agency office, requesting him to call on me for the purpose of giving me such information as he cared to present relative to the necessity for making such investigation as was proposed. Mr. Beaulieu declined to come to my office, and on September 25 I reported that there appeared to be no necessity for making this expenditure. On August 16 to 18, 1909, the Indians of the White Earth Reservation held a general council, which was called for the purpose of considering applications for enrollment with the tribe and for the consideration of such other matters as might properly come before such council. I was not present at all the meetings of this council, but at its sessions there was considerable wrangling, and very little was accomplished; and finally, after the proceedings were finished, the chairman, Chief May-zhuc-e-ge-shig, refused to atttach his signature to the official record of the proceedings. This official record was forwarded to your office under date of January 31, 1910, and by reference to the same you will find, on the third page, the following resolution, which is supposed to have been adopted at a regular session of this council: "That the Secretary of the Interior and the Commissioner of Indian Affairs are hereby authorized and requested to pay Levi White, of Fort Pipley, Minn., the sum of $100, and William H. Donahue, of Crow Wing, in said State, $50, for scaling certain pine timber that was out on the Chippewa Indian Reservations, in the State of Minnesota, which belonged to Chippewa Indians of Minnesota, out of any fund in which these bands are interested now in the Treasury of the United States to the credit of said bands, and which employment is for one month from July 15 to August 16, 1909.

The official record shows there were 24 favorable votes on this resolution with no opposition. It is claimed by many reliable Indians who participated in the council above referred to that this resolution was presented and passed upon; but the official record shows otherwise; and I am inclined to believe that this matter was presented at a time which was especially favorable to its passage, and that it was not generally understood by those in attendance.

Upon receipt of your office letter of April 28, above referred to, I called on a number of recognized chiefs of the several bands of White Earth Indians, namely, Wah-wah-ye-a-cumig, Tay-cume-ge-shig, Joe Bush, Charles T. Wright, and White Cloud. Each one of these made affidavit that he had no prior knowledge of the employment of this man and his assistant. These affidavits I am inclosing herewith. The knowledge that Mr. White has presented this claim has spread over the reservation, and there has been expressed much dissatisfaction and opposition to its favorable consideration. On about July 6, there was quite a general council held at Pine Point, in the eastern part of this reservation, at which matters concerning the different tribes were discussed, and the following resolution was adopted: "That part of the act in which a former council, through manipulation, sanctioned the payment of the scalers hired by Mr. Gus H. Beaulieu is hereby repealed or abrogated, because this would become a bad precedent, wherein, heretofore, any individual may hire any private party or parties to do any work which might be claimed as being of interest to the tribe."

The proceedings of this council have been presented to me, the same bears the signature of about 100, and I intend to forward it to your office within a short time. In view of the circumstances, I can not recommend payment of this claim, for the reason that it does not appear to be a just claim against the Indians of this reservation; if the services were actually performed as claimed, they were performed at the instigation and for the benefit of Gus H. Beaulieu, a private individual, and not for any of the tribes of Chippewa Indians of this reservation.

I am returning herewith the inclosures forwarded in your office letter of April 28.

Very respectfully. JOHN R. HOWARD, *Superintendent.*

The WITNESS. The affidavits are attached, but I don't care about them.

Examined by Mr. BEAULIEU:

Q. Are you going to put in those affidavits?—A. No, sir; I don't care to put them in.

Q. Maj. Howard, for what purpose were your check scalers employed?—A. Those that I refer to—those two men?

Q. Yes.—A. I don't know. This is the first information I have. I have given it here.

Q. Did you not hear that they were employed to check or scale that timber that was cut upon the reservation, at a council called to enable the Indians to find out whether the Government scalers were properly scaling their logs or not?—A. I tried to get definite information from you, but you declined to give it to me, and I had to rely upon what I obtained from these Indians and what the department submitted as covered in this letter.

Q. You never called on me to get that information?—A. I sent for you.

Q. Well, why didn't you come to my office and see me? When I want to see you, I go to your office.—A. I sent to you to come to my office. Sent you word—sent you a note by a policeman, stating what this was and requesting you to come. You sent word back you would not come. That was the report that reached me.

Q. Well, whenever I want to see you I go over to your office, and couldn't you have done the same thing in regard to me?

Mr. GRAHAM. Now, as to which is "Mahomet" and which is the "Mountain" may be settled later. Go on.

Q. Was not a report of that council which authorized the payment of this amount of $150, held at White Earth, with your representatives?—A. What was that?

(Question read by reporter.)

A. August 9; there was a general council on that day; yes, sir. That is the one.

Q. Well, but were not your representatives present at that council?—A. I think I was in there occasionally myself during the sessions. It lasted several days.

Q. Were not your representatives present all the time?—A. I don't understand what you mean by my "representatives."

Q. Were not your representatives present at the council all the time?—A. Representatives?

Q. Your representatives; yes.—A. I had no representatives, Mr. Beaulieu, at the council, that I recall. The Indians were there themselves. My clerk, one of them, if I recall, William Dailey. The record will show. I think he acted as secretary. Perhaps I am in error.

Q. And was not Miss Warren, your stenographer, there?—A. I can not say. My recollection is William Dailey acted as secretary, and perhaps Miss Warren acted as interpreter. I don't know. Perhaps that is right.

Q. Did they not make a report of this council to you?—A. If William Dailey was the secretary, he brought in a report. I think that council is on record here, the report I had.

Q. Did you not accept that council report as true?—A. I did: and sent it in.

Q. Then if it was true, why did you report that there was doubt about that $150 matter?—A. I have stated here that I thought that resolution was passed.

Q. Well, if that result was opposed by council, was not that the best evidence that it was the wish of the Indians that you could obtain, except by going to the individuals and asking them?—A. The matter was sent to me by the department to ascertain the facts. It was stated in one of the communications, I may not have it here, that you had stated, or that Mr. Richardson had stated, that this expenditure was authorized by authority and by the request of certain chiefs. I called them in, and their affidavits are attached here and were sent to Washington.

Q. That is what the letter stated to you?—A. They made affidavits, as I have just read; they made affidavits.

Q. Where is that letter you speak of?—A. Right here.

Q. That is your statement. You said the department.—A. I have it here. Shall I read it?

Q. Yes.—A. (Witness reading:)

WASHINGTON, *July 28, 1910.*

JOHN R. HOWARD,
White Earth Indian School, White Earth, Minn.

SIR: On April 28, 1910, the office returned to you the claim of Levi White, amounting to $150, for services of himself and assistant as check scalers for a period of 30 days during the summer of 1909, while engaged in inspecting logs cut from the Chippewa Reservations in Minnesota, and floated on the Mississippi River. It was requested that you furnish this office with a certified copy of the council proceedings, showing the employment of Mr. White and his assistant, and also make a report setting out your recommendation with reference to the advisability of paying this claim. As this report has not yet been received, it is requested that you take this matter up as soon as practicable and give the office the benefit of your views on the subject, so that the claim may be finally adjusted.

Very respectfully,

J. H. DORTSCH,
Chief Education Division.

Q. Now, if that $150 was really expended for the purpose as stated, it was not for the benefit of Gus H. Beaulieu, was it?—A. Mr. Beaulieu, I have no information on that matter. I gave the department the information that I obtained; and further than that I had no inclination to give them, and have not now.

Q. That does not answer my question. I wish you would answer my question.—A. I don't know anything about it. I don't know whether the services were rendered. I don't doubt that they were as you stated; but when I am called on for an official statement, I try to get it straight.

Q. If they had been rendered for the purposes stated in the council proceedings, they were not for Mr. Beaulieu's benefit alone, were they?—A. I stated in this letter that the council proceedings——

Mr. GRAHAM. That is a very roundabout way to answer a plain question.

The WITNESS. Read it.

(Question read.)

Mr. GRAHAM. You don't need to go to a letter to answer it.

The WITNESS. I can not answer that.

Mr. GRAHAM. Now, how brief that answer is when you get down to it.

Q. Can't you answer it?—A. No.

Q. In that same council proceedings the expenses of George Walters, Charles Wright, and others were authorized to be paid out of Chippewa funds, were they not?—A. I can not say; but the record is the best evidence, the record of the council.

Q. Were they ever paid, were the expenses of George Walters ever paid from your office?—A. At some time; I don't remember when; I got a check for George Walters for expenses as a delegate to Washington. When it was I can not recall, and I can not recall the amount. Since you speak of it, I do recall getting such a check.

Q. You don't know whether it was authorized by this particular council proceeding?—A. No; I don't. The proceedings will show.

Q. If Mr. B. L. Fairbanks made a statement to you regarding the matter, it was true, was it not?—A. Yes; for B. L. Fairbanks, when he has ever made me a statement, I have relied on it, and I don't——

Q. Do you regard him as a truthful man?—A. I have always found Ben Fairbanks pretty square.

Q. Do you recognize the Indians to be self-sustaining?—A. I certainly do and would favor anything that would help the Indians in any way.

Q. What is the policy of the Indian Office in this respect?—A. To make the Indian first in everything that will work for his benefit.

Q. Do you believe in doing everything for the Indians that it is possible for the Government to do?—A. That is what I am here for, as I understand my duties.

Q. You believe the Indian should be assisted in every way, do you not?—A. If he is worthy.

Q. Yes; of course, if he is worthy. If he is not worthy, nobody would want him to be benefited. If a worthy Indian should come to you and ask for employment, would you give him the benefit of the application or would you give him the benefit of the position he would be entitled to?—A. If I had it.

Q. If you had the right to employ clerks in your office and they were competent to fill those positions, would you employ them?—A. I could not, except temporarily, because they are all on the classified civil list—all the positions in my office except the position occupied by Mr. Kelsey, who is the attorney and financial clerk.

Q. Well, if that position can be filled by a person not on the classified list, could you not find a member of the reservation who could fill that position?—A. I don't know of one that I would want to put into that position. I have to have a legal adviser—a man in whose ability I have confidence. The salary that is given is not sufficient to tempt very many, but I have succeeded in getting two such men since I have been there. One of them stayed only a little while—Mr. Barto. The other one I have now, Mr. Kelsey, is very competent and very reliable.

Q. Did you offer the position to Edward Rogers, an attorney in this city and a member of the White Earth Indian Reservation, an Indian of Chippewa blood?—A. Well, I was hunting a good while to get some one. I can not say.

Q. You never offered him the position?—A. I might; I don't know. I may have spoken to him about it; I don't recall.

Q. Have you ever offered any positions on the reservation to any of the Indians outside of the position of laborers, etc.?—A. Well, the

positions are in the classified service. If I did offer them, it would be only temporarily.

Q. Would not your recommendations for those positions go a long way?—A. They would not secure permanent employment unless the party could properly pass the civil-service examination required.

Q. Well, do you not believe in educating the Indians and then helping them along afterwards?—A. Certainly; in any way that you can help them.

Q. Now, have you not in the Indian office, since you have been Indian agent at White Earth, encouraged the Indians to have councils?—A. The only councils that I have been connected with directly are two general councils; they were called at the request of the Indians. Both of those assembled at White Earth.

Q. Have you not been at Pine Point at least a half dozen times to attend Indian meetings and councils, gatherings up there?—A. Frequently when I go to Pine Point a number of Indians get together to talk over their troubles and tell me what they want, but those would not be considered as general councils by me.

Q. Pine Point is where the Indians live who are nonprogressive; that is, who are practically full bloods?—A. A great many of them are full bloods over there.

Q. In fact, are they not Indians that we usually call "Warehouse" Indians?—A. I don't know.

Mr. GEORGE. What do you mean by "Warehouse" Indians?

Mr. BEAULIEU. They are Indians who are controlled by the Indian agents; they are fed out of the warehouse; as long as a man will go and do anything that the Indian agent wants him to do, he is fed out of the warehouse. The moment he withdraws he ceases to be a warehouse Indian.

Mr. GRAHAM. That explains it; go on.

Q. In the method used by you, the Indian Office, and Mr. Burch in issuing rations to the ignorant and uneducated Indians at White Earth, are you not working against the policy of the Government to make them self-supporting and independent citizens in every respect?

Mr. GRAHAM. Wait a moment, Mr. Beaulieu. Why couple Mr. Burch's name with that? What has he to do with the Indian Office here?

Mr. BEAULIEU. He has a great deal to do with it.

Mr. GRAHAM. Not in an official way, and I hardly think it fair to assume——

Mr. BEAULIEU. Well, is he not responsible for his superintendents, for their actions in every way?

Mr. GRAHAM. There is no evidence that I have heard yet tending in the remotest way to show that Mr. Burch had anything to do with the issuing of rations. If there was any such evidence, who gave it?

Mr. BEAULIEU. Well, I have understood that this was a general investigation and that we had a right to bring out facts regarding the reservation matters in any way we saw fit. You invited me to do that.

Mr. GRAHAM. Connected with the Interior Department.

Mr. BEAULIEU. You confine it, then, to the Interior Department?

Mr. GRAHAM. Of course, your question, from a legal point of view, is quite incompetent in every way; but I don't mean that.

You assume the thing that you ask him about, and you interject into it the name of Mr. Burch. Now, if he goes on and answers it there is a sort of presumption there that Mr. Burch did do the thing that the question suggests he did. But there is no proof that he did it. Separate your question, at least, and then ask him about Mr. Burch later if you wish.

Mr. BEAULIEU. I am only doing exactly what they did to me in examining me. They examined me in the very same manner that I am examining Mr. Howard.

Mr. GRAHAM. Well, there might be a difference of opinion about that, but I will not discuss it with you. Separate that and put one question at a time, and let us take it that way.

Mr. BEAULIEU. Well, I will put it in a different form.

Mr. GRAHAM. I don't mean to say that if Judge Burch has been doing anything here that requires investigation that you have not the right to investigate all you please. I don't care, neither does my colleague——

Mr. BURCH. Nor I. I am perfectly willing——

Mr. GRAHAM. Well, strike "Burch" out of the question now and take it up later.

Q. Maj. Howard, you have testified here that you have issued a great many rations to the Indians?—A. I have.

Q. Do you consider that that is a good policy?—A. The Indians who have received rations have been of two classes. Under the treaty and agreement with the Mille Lacs they were promised rations from the time they removed to the White Earth Reservation until they were able to take care of themselves. We had upon the rolls a number of Mille Lac Indians when I came here who were receiving rations. My recollection is that there were about 800. About a year ago I received instructions from the department to reduce the list of those who were receiving rations. I then had the list revised and a large number was stricken from the rolls. The other class who were receiving rations were the old, the sick, and the blind. I regret to say that there are many of that class on this reservation. There are probably 20 blind at Pine Point; perhaps not so many. But we have some of them at White Earth. We have some of them at other points, and those people were receiving rations as long as we had them. The supplies ran out, and I stated to the department the necessity of taking care of those people, and I was authorized to purchase a certain amount. I can not give the exact figures, but I bought flour and pork, on receipt of bids, purchased from the lowest bidder, and those rations were issued. But there have been times when I could not supply the demand. There has been no regular warehouse issue in general to Indians, the records will show what I have done and the authority for it here [handing paper to chairman]; this is the whole business. I would like to put it all in.

Q. Do you regard Stephen Caswell as a man who should be entitled to rations on account of old age or his inability to take care of himself?—A. Who is Stephen Caswell?

Q. Stephen Caswell is an employee—

Mr. GRAHAM (handing paper to Mr. Beaulieu). This, I understand, to be a résumé of the whole ration issue question. If you wish you can put it in the record or ask any questions you choose based on it.

The WITNESS. Is that the man that is at present watchman at the schools?

Mr. BEAULIEU. Yes.

A. Why, if Stephen Caswell was sick, I may have fed him. I don't recall it.

Q. If he was sick?—A. Yes.

Q. Was he sick during the past summer?—A. I think he has been employed at the school several months as watchman. I think we gave him a position up there. If that is the man, the record will show when he got the work.

Q. Do you know O-mud-iz?—A. Where does he live?

Q. At Pine Point.—A. No; I don't recall him.

Mr. BEAULIEU. Here is something I would like to read into the record. [Handing paper to chairman.] They are all healthy men, able to work.

Mr. GRAHAM. What is this particular paper, Mr. Beaulieu? Is it a part of the Beaulieu files?

Mr. BEAULIEU. No; it is not a part of my files, it is a copy of some rations issued.

Mr. GRAHAM (handing paper to witness). You may look at it and see if there is any objection to it.

The WITNESS. Mr. Chairman, I am told by the chief clerk that this paper was never submitted to me, nor is it in my records.

Mr. GRAHAM. How do you authenticate it, Mr. Beaulieu, in some way to make an official document of it?

Mr. BEAULIEU. I will have to authenticate it by the man who issued those.

The WITNESS. Why, didn't he report it to the agency?

Mr. BEAULIEU. I don't know anything about that.

The WITNESS. I object to that going in until I find out something about it, if it goes in as a part of my records.

Mr. GRAHAM. I will read the indentification of it.

The WITNESS. May I ask Mr. Beaulieu a question?

Mr. BURCH. Wait.

Mr. GRAHAM. For the identification of this paper I will read the heading of it into the record:

WHITE EARTH AGENCY, MINN.,
July 12, 1909.

We, the undersigned Chippewa Indians, hereby acknowledge to have received rations from John R. Howard, superintendent and special distributing agent, in the following quantities.

Then follow four pages with columns headed "Tea," "Sugar," "Pork," "Flour," giving the quantity of each in such column and the name of the person receiving them on the same line and signed by thumb marks. Now, there is a certificate of honor signed by R. J. Henry, acting principal, Pine Point. There are three such certificates in the papers offered. I don't know who Mr. Henry is. I don't know whether he had authority to make such a certificate in the due course of his business. No reason yet appears, Mr. Beaulieu, why this should go into the record; but if you give such reason it will go in, but you will have to, in some way, show the committee why it is entitled to a place in the record.

Mr. BEAULIEU. Well, I want to say to the committee that on the date named a large number of able-bodied Indians went to the

school and presented an order, or an authority of some kind from Maj Howard, to have a large amount of provisions issued to them, that they were going to White Earth to attend a council there in opposition to Mr. Richardson's employment; but I don't wish to show that—it was simply in opposition to Mr. Richardson's employment, but I want to say that it has been the policy of Maj. Howard to give out rations when he wanted the Indians to serve his purpose, to give them out from school supplies. Those are from school supplies, and he has given them out indiscriminately, and it is just in line with my questions to him. That is, I want to show that he has encouraged the Indians to leave their work.

Mr. GRAHAM. But that is not quite the pending question. The pending question is the admission of this paper to our record and how will you authenticate it so that it can go in?

Mr. BEAULIEU. That paper was handed to me within a couple of days, and I was told that it could be authenticated by Mr. Hurr and Mr. Henry.

Mr. GRAHAM. When they come you can offer it, but until then I expect we had better wait and use the time to better advantage. Are those gentlemen here?

Mr. BEAULIEU. One of them is. Yes.

Mr. GRAHAM. Which one?

Mr. BEAULIEU. Mr. Hurr.

Mr. GRAHAM. Mr. Henry, who signed it, is not here?

Mr. BEAULIEU. The other one is not here.

Mr. GRAHAM. Very well, let us pass it for the present.

Q. Did you not issue rations during the last quarter to one of the speakers, one of those men who spoke here the other day, James Bassett?—A. The record will show. It is here.

Q. Have you any recollection about it?—A. No, sir; I don't issue them. They were issued at Pine Point by the principal. It is left to his discretion to issue to worthy, hungry, sick Indians over there.

Q. Did you issue during the last quarter a certain amount of rations to George Walters and his wife?—A. Yes, sir.

Mr. GRAHAM. Now, Mr. Beaulieu, wasn't that gone into here fully?

Mr. BEAULIEU. No, sir; not fully.

The WITNESS. Yes, sir; and I explained it.

Mr. GRAHAM. And explained why, on account of some rations issued for persons Walters was taking care of. Does that not dispose of it?

Q. Well, why was Mr. Walters appointed on the police force?—A. Well, I should have to refer to the records, for I don't recall. He has been on for some time.

Q. The records are not here, are they?—A. No, they are not here. They have not been called for.

Q. There are a great many records that you refer to that of course I don't know anything about, and have not seen.

Mr. WEST. We brought all that we thought would be required.

Q. Maj. Howard, haven't some of your employees been speculating in lands upon the reservation?—A. To whom do you refer?

Q. Well, I would say Mr. West, for one.—A. Yes, sir; Mr. West; I have heard of one piece of land which Mr. West bought several years ago. He bought it from some white man and sold it again.

Q. He bought it of a white man?—A. He will probably be here to testify to it himself.

Q. Well, before the fee patent for that tract of land was issued——A. I think it was bought before I came here.

Q. Well, just wait a minute—before the fee patent for that tract of land was issued, didn't Mr. West write up a report favoring the issuance of that fee patent?—A. Well, I don't recall that Mr. West has had anything to do with the land matters. Mr. Barto was appointed by my predecessor, Simon Michelet, a few days before I took hold, and Mr. Barto had charge of these land matters.

Q. Didn't Mr. West write up the recommendation to have the fee patent issued?—A. I could not say. The record will show if he did. It is in the handwriting either of Mr. West or Mr. Barto; I can not say.

Q. From whom did Mr. West buy that land?—A. I can not say.

Q. You state it was from some white man?—A. I understand—he told me once that he bought it from some white man. I don't remember who it was. I may be wrong; I am just speaking from recollection. I think he told me he bought it from some white man.

Q. Did you not recommend the issuance of a fee patent to Wah-be-bin-ais-e-quay, or Mrs. Madison?—A. Records will show if I did.

Q. Was not a fee patent issued for the allotment of this Wah-be-bin-ais-e-quay?—A. I don't know. There are a good many of them that I don't recall.

Q. Didn't Dr. Cook take mortgages on certain tracts of land upon the reservation?—A. I couldn't say. I couldn't answer that question.

Q. Are you and Dr. Richards in partnership in the purchase of land outside the reservation?—A. No, sir.

Q. You are not in any way?—A. I have not been interested in the purchase of a single rod of reservation land, directly or indirectly.

Mr. GRAHAM. Which did you intend to inquire about, outside or inside the reservation?

Q. I intended to inquire about outside.—A. I want to correct my answer, then. I must explain, then. Some time about two years ago, Mr. C. B. Buckman, of Little Falls, wrote me that he had an option on some land in that vicinity on which he believed there might be iron ore; that if I, or any of my friends, wanted to invest we might go in with him. Now, I think Dr. Richards, Mr. West, Mr. Dailey, Mr. Hinton, Mr. Peterson—well, I think we all decided to put something into it. I think I put in $100. That is correct. We did invest outside the reservation in that land from Mr. Buckman.

Q. You are not interested in any of the lands that Dr. Richards has purchased, if he has purchased any, on the reservation?—A. No, sir. I don't know that he has purchased any. I am not interested: no, sir.

Q. Do you know a man by the name of Burr, of Duluth?—A. What is his first name?

Q. I could not say.

Mr. GRAHAM. Do you know any Burr, at Duluth, by any first name?

The WITNESS. I did know a man there by that name, but he is now in St. Paul. He is assistant traffic manager of the Omaha Road.

Q. Is he not your son-in-law?—A. He is.

Q. Well, then, you knew him quite well?—A. I know him quite well—supposed to.

Q. Has he not attempted to organize a land company to deal exclusively in White Earth lands, in that portion supposed to contain iron ore?—A. I never heard of it.

Q. Don't you know anything about it?—A. No, sir; I never heard of it. He never informed me of it.

Mr. GEORGE. Has he dealt in any kind of land?

The WITNESS. Not to my knowledge.

Mr. GEORGE. Timber or agriculture?

The WITNESS. He has not capital to do very much.

Mr. GEORGE. Or did he organize a company to do it?

The WITNESS. I never heard of it. Walter D. Burr is his name.

Q. Mr. Howard, you stated last summer before the committee at Washington that Gus Beaulieu had made a proposition to you to go in with C. A. Congdon and B. L. Fairbanks in the land business at White Earth?

Mr. GEORGE. Do you know where that is in the record?

Mr. GRAHAM. You will find it mentioned in three or four places. One is on page 137.

The WITNESS. I think I can state my testimony from recollection to save time.

Q. It is page 112 where you first mentioned it. You stated this in reply to a question by Mr. Burch:

About two years ago Mr. Gus H. Beaulieu was in my office looking up some land matter and he stated to me that there was iron probably on the reservation, and that himself and Mr. Congdon, of Duluth, and Ben Fairbanks were taking up all the land they could get in that vicinity, wherever they found indications of iron, and that he had come to me with a proposition to take me in as a fourth man if I would go.

A. I so stated and I state so now.

Mr. GRAHAM. And again on page 122 you will find reference to it:

Q. You say that Beaulieu, on behalf of himself and the land company he was forming, offered you a fourth interest in some agricultural lands?—A. He claimed to be buying land with these other parties.

Q. Did he want you to buy that quarter interest, or did he agree to donate the quarter to you?—A. Well, it was to take me in on equal shares.

Q. Without any remuneration from you at all?—A. I suppose I would have had to pay for my share if I had gone in.

There are other references to it, but those are sufficient, I think.

Q. I was going to ask him a question that Ferris had evidently asked him.

Mr. GRAHAM. What question do you want to base on this?

Mr. BEAULIEU. What was your reply to that?

WITNESS. I so testified.

Mr. BEAULIEU. And now on page 113 of the record.

Mr. GRAHAM. Perhaps you are looking for 137. This question was asked:

In this suggestion that was made you by Mr. Beaulieu that you form one of a syndicate to purchase lands, did Mr. Beaulieu suggest that this was to purchase lands from the Indians, or to purchase lands generally?—A. Well, I understood it was to purchase from the Indians or anybody who had it in the vicinity.

Q. Now, you have had time since last summer to refresh your memory. Do you still insist that that was true?—A. I do.

Q. Maj. Howard, I want to ask you this: Do you recall that one afternoon I called at your office at White Earth for some information and you were sitting alone opposite the door; that is, facing the door, when I came in there?—A. No, sir; I don't recall; that may have happened. That is my——

Mr. GRAHAM. The question is, do you recall it?

The WITNESS. I do not recall it.

Mr. GRAHAM. That is an answer.

Q. Can you recall whether Edwin C. Congdon was at White Earth at that time?—A. No, sir.

Q. Do you recall that we had a conversation about reservation matters in general; that is, lands?—A. At this time you mention?

Q. Yes.—A. I do not.

Q. Do you recall that you asked me before I left, whether there was any chance to make some money, that you were getting old and wanted to make some money, and that I stated you had a good opportunity to get all the information you wanted in the office there, in not to exceed three months time, and didn't I state to you, "If you want to speculate in reservation lands you will have to resign as Indian agent"?—A. I don't remember any such conversation. I don't recall it.

Q. You don't recall any such conversation?—A. No.

Q. Do you know any reason why Mr. C. A. Congdon should have wanted you to go into a company in which he was interested?—A. I never had any conversation with Mr. Congdon about this matter; he never suggested to me——

Q. Do you know whether Mr. Ben Fairbanks and Mr. Congdon have ever been interested together in any land deal, or anything else, in business?—A. I do not.

Q. You knew Mr. Congdon to be a very wealthy man, did you not?—A. By reputation.

Q. You knew also that his son was interested with me in business matters, did you not?—A. Well, I may have heard it. I can not say.

Q. Do you not recall that when the Mille Lac hearing was on in your office that I left the agency suddenly and went out with Mr. Congdon for three or four days, and was not present at those hearings?—A. When was that?

Q. 1910.—A. Well, I can not recall it; that may have been the case. I know there were several present at that hearing.

Q. Dou you think it would have been for the benefit of C. A. Congdon to have you interested with him in any business dealings?—A. He never proposed any business dealings.

Q. Would it have been any benefit to Gus H. Beaulieu to have been interested with you in any business dealings?—A. My recollection is this: Gus H. Beaulieu came to my office and stated there was some iron on the reservation, and that himself and Mr. Congdon and Mr. Fairbanks were going to take some of it up, and suggested that I go in with them. My recollection is that I listened to you. My recollection is that I told you I would think it over. Now, I testified to that in Washington. Later, I saw an interview published in

which I was called a monumental liar. I have in my possession a letter from you pertaining to the same matter, and Mr. Burch has it in his hand. [My Burch hands witness a paper.] I will read the letter. [Witness hands letter to chairman.]

Mr. GRAHAM. Mr. Beaulieu, is this your signature?

Mr. BEAULIEU. Yes; that is my signature.

Mr. GRAHAM. Received in due course of mail, I suppose?

The WITNESS. Yes, sir.

Mr. Graham read into the record the following letter:

[Gus H. Beaulieu, 3214 Second Avenue S. Confidential.]

MINNEAPOLIS, MINN., *January 19, 190 .*

MAJ. J. HOWARD, *White Earth, Minn.*

DEAR MAJOR: The report of the geologist of the State university on the specimen of iron ore I got from the Indians at Elbow Lake is first class, and the deal of the university told Knappen, whom I had to look after the assay of the specimens, that he should get busy and get all the land in the vicinity of the place where the specimen was found. I merely write you this letter to let you know how the matter is proceeding.

Yours, truly, GUS H. BEAULIEU.

Q. Now, Maj. Howard, did you not receive this letter that you speak of prior to the time that you state I made the proposition to you?—A. No, sir; this letter came in the winter.

Mr. GRAHAM. Is the envelope in which it came preserved?

The WITNESS. I haven't got it.

Mr. GRAHAM. Do you know the date of it, what year?

The WITNESS. My recollection is that it was in the winter of 1909 that letter was received. The date will show.

Mr. GRAHAM. No it won't. I read it "190-"—the fourth figure of the year being blank.

The WITNESS. What is the month?

Mr. GRAHAM. January 19.

The WITNESS. Well, then it was in the winter. The conversation was earlier in the fall.

Q. Was not the time that you speak of here the time that I visited you in the winter time?—A. Not when you spoke about the land matter.

Q. It was not in the winter time?—A. No, sir; it was in the fall. I can not give the date, but I remember it was in the fall.

Q. Are you sure it was in the fall?—A. Yes.

Q. Was it not while Ed. Congdon was there in the summer?—A. Well, if you will permit, I will state why I know it was in the fall. I know it was in the fall for we had on the reservation at that time two cruisers—the Carrs. They were going out into that country, and I requested them to look and see if there were any indications of iron ore, because I had something about that time from the department directing me to do so. Now, my recollection is that the ground was bare about the time the Carrs reported, for I remember that they did not find any ore when they did report.

Q. Have you those letters from the department?—A. I have.

Q. Will you produce them?—A. I can.

Q. When will they be produced?—A. Any time you want them.

Mr. GRAHAM. Now?

The WITNESS. I haven't got them here.

Mr. GRAHAM. Then you can not produce them any time?

Q. Will you be able to produce them next Monday?—A. I think so.

Q. Will you produce them next Monday?—A. If I have got them. I think I have; and it may be that I turned them over to Carr, but I think I have them.

Q. If you have them, will you produce them next Monday? You have now stated why you thought that Gus H. Beaulieu wanted you to go into this company.—A. Why, I don't know that I have; but I will state it now.

Mr. GRAHAM. Do so.

The WITNESS. I will state now that I knew I had no right to invest in any reservation lands, and I thought you were trying to put me into a trap when you made that proposition.

Q. Well, were you on good terms with Gus H. Beaulieu at that time?—A. Not very.

Q. Not very good?—A. I had never sought any controversy with Mr. Beaulieu, but Mr. Beaulieu was not very friendly.

Q. What led you to believe he was not very friendly?—A. His actions.

Q. Was he not accustomed to visiting your office, in a friendly manner, upon these matters?—A. Sometimes; yes, sir.

Q. Did you always receive him in a friendly manner?—A. I always do everyone.

Q. Did he publish anything against you up to that time?—A. I can not give that. I know I have been criticized very severely by Mr. Beaulieu ever since I have been there, I guess.

Q. But what do you think his object would have been to try to induce you to go into the land business with him, or any other business?—A. I think—that was my impression. I think that was my impression.

Q. What was your impression?—A. That he was trying to trap me—to get me into something where he could criticize me or perhaps damage me. That was my impression, and it is now.

Q. Simply to criticize you and damage you? Then you don't think his object was to bribe you, do you?—A. No; because I wouldn't consider that a bribe.

Q. You wouldn't consider it a bribe?—A. No.

Q. That was my only reason for asking you.—A. No; I would not consider it a bribe.

Q. Do you think Mr. Congdon would have entered into any enterprises of that kind, any similar enterprises—do you think he would give his time to it?—A. I couldn't answer that, Mr. Beaulieu. Mr. Congdon was a very wealthy man.

Q. He is one of the richest men in the State, isn't he?—A. I think he is so reported.

Q. And you never have seen him on the reservation in a business way excepting when he came there once as my guest? I believe he attended the 14th of June celebration. You remember that time, I presume?—A. Yes; I think I do recall some time when he was there; I don't remember when it was.

Q. But he has not been interested in reservation lands, so far as you know?—A. No; not to my knowledge.

Q. You spoke about the farmer yesterday. You said he was busy all the time at Pine Point, did you not, experimental farming?—A. I said that from his reports I supposed he was pretty busy.

Q. Do you believe those reports now?—A. Why, I take them. When a man sends me a statement over his own signature, unless I have special reason for doubting it, I take it for what it calls for.

Q. Did he raise a large garden, or crop, last summer?—A. I couldnt say. I think his efforts were scattered around over quite an area, and I think he was engaged in getting ready for another year, to some extent—getting the land cleared and plowed, was my understanding.

Q. Did he not have an opportunity to put in a good school garden up there?—A. Well, he would not do that. It would hardly be his business. That would belong to the principal of the school and the employees at the school, rather than his, I think.

Q. Well, did he not come to the agency at White Earth last fall and get a load of vegetables?—A. Yes; we sent him word that we had a surplus and that he could have them at the school. I don't know what he got.

Q. He came over to White Earth and got a large load of vegetables?—A. I could not say. We had them and notified him that they could have them if they would come after them. That is my recollection.

Q. Didn't you know whether he got them or not?—A. No. I didn't.

Q. Do you know whether they had any vegetables there at the Pine Point school?—A. No; I don't. My recollection is that they didn't raise much. They have not raised much there for several years. While Mr. Hurr was there their garden was a failure.

Q. Well, in 1910 the gardens looked pretty well, didn't they, all over that country?—A. Well, the land is very sandy, but they have had a good deal of trouble some years. Now, I don't recall what they had at Pine Point in 1910, but I don't think they had much.

Q. Not much of a garden in 1910?—A. No; I don't think they did. I think they planted but didn't reap.

Q. Did they not have unusually good gardens until they commenced to hold councils in 1910?—A. Well, I don't know as the councils would affect it any. The school garden was under the charge of Mr. Hurr until he was relieved, but I can not recall what he did raise.

Q. You say on page 154 of the report that you had quite an army of Indians working at the agency.—A. I would like to refresh my memory from that. What was it about?

Mr. BEAULIEU. It is a question on page 154, suggested by you (the chairman). You asked him:

"Well, is that paid in a spirit of charity, or is that what the man earns"? and Mr. Howard replied: "Well, it is not altogether in a spirit of charity. The work that I have had done has been in connection with the water system, and it was suspended on June 30 for lack of funds. I had quite an army of Indians at work there."

The WITNESS: Mr. Chairman, I think that word "army" was a clerical error. I think it should be "quite a number."

Mr. GRAHAM. Oh, well, there wouldn't be much difference the way you use the word. What question do you wish to base on that?

Mr. BEAULIEU. I want to show that there was a whole lot of work wasted.

Mr. GRAHAM. Go ahead and do it.

Q. How big was that "army" that you had?—A. I couldn't say; we have had different times there squads of them at work.

Q. Digging that ditch?—A. The record will be the best evidence.

Q. Well, I want what you know.—A. I don't remember how many. When an Indian applied for work I sent him up to the ditch to the party who had charge of it, and told him to put him to work. Some of them worked a day or two and some of them longer.

Q. Were there not only about four or five Indians working?—A. Oh, there were more than that, Mr. Beaulieu. We frequently had to hunt fresh hands every day. They didn't stick to it, and an Indian would go in there and get to work for a day or so, many of them, and then come in and say he was hungry. And then I would give him a check or report, or Mr. Dummert, or the superintendent; we would never see him again. So the work dragged indefinitely and finally froze up, and we haven't finished it yet.

Q. Before it froze up, did you not have a number of men under the charge of John Lynch digging a trench?—A. I did.

Q. And they dug the trench how far?—A. The work that I begun on June 30, as I recall, at the end of the fiscal year—that is my recollection—then when the authority was renewed, and funds, it was pretty late, and I employed John Lynch to take hold of it. Mr. Lynch put a party at work there, and he made good. But soon we exhausted the pipe that we had on hand, and the balance was not received in time. I wired and tried to hurry the matter up so as to get that work completed, to get the water down town, and later I found what the trouble was—that the authority which had authorized the purchase of the pipe in the first place was for a price for which more pipe could not be obtained, and they had to obtain other authority and issue new bids. And before we got the balance of the pipe there it froze up. The pipe is now there, and the work will be completed in the spring. We have worked under disadvantages.

Q. Are the pipes in working order now?—A. Only as far as about opposite the agency office, and they are also connected with the agency office; but we have not turned on the water.

Q. They are in working order, then, so far as the agency is concerned?—A. Yes, sir.

Q. Are they in good order?—A. We have not tried it. It froze up and we quit. The pipe is laid that far.

Q. Has there not been some fault found with the pipe which is being used?—A. Why, I don't know. It is what the department sent me and I used it.

Q. Did they dig the trenches from the office down toward the village?—A. We dug a trench. My first plan was to set the water tank near where the engine stands. Later, I found that I could, by setting it back south 200 feet, that I could reduce my scaffolding 18 feet and get about the same pressure, if I remember. So I set the scaffolding back and put the water tank back about 200 feet south of the engine house. Now, there is a trench from that tank down to between the agency warehouse and the agency office and the the pipe is laid. We have commenced the digging of a trench from that point, part of it is dug, down town to the top of the hill—I have 800 feet more pipe and it will enable me to lay it to that point. I have authority, and I have the funds to pay for it.

Q. How much did that trench cost? Do you know?—A. I can not tell you.

Q. Can't you tell approximately?—A. It was all done by Indian labor and it has cost much more than I could have hired it by contract for less, but I was directed to employ Indian labor and we paid $1.50 a day for the labor.

Q. The machine such as is used for making trenches, was used there, was it?—A. No, sir; and yes, sir; both. Mr. Lynch utilized the ditcher and we removed some of the dirt with the ditcher.

Q. How many teams did he use there?—A. Well, there would be teams used on the ditcher, I think we used about four horses at a time on the ditcher.

Q. Were not those four horses, Mr. Lynch's horses?—A. They were Mrs. Lynch's horses. She is an Indian.

Q. When you saw the work could not be completed, didn't Mr. Lynch start to throw back the earth to fill up those trenches?—A. Yes; because we were afraid to leave that open trench. It was right beside the highway. I called Mr. Lynch up there and told him that we would have to do that. I was afraid there would be an accident. It was better to throw the dirt in and shovel it out again, than to kill three or four people. Then we concluded to leave it and put up a temporary fence to protect it.

Q. Why did you conclude to leave it?—A. I found it was going to be a bigger job than I figured on. They would have to dig it out again.

Q. Was not the fund which built this fence Chippewa tribal funds?—A. Certainly; all of it.

Q. And would not that compel you to dig a new trench next spring?—A. Yes; if we had filled it up.

Q. At considerable cost?—A. It would have been easier to dig out the last dirt, than before.

Q. It was about 6 feet deep?—A. I think more than that. I think my instructions were to put that pipe at least 7 feet deep in the clear.

Q. Well, were you not approached by a member of the tribe who threatened to stop Mr. Lynch from filling the ditch?—A. Not that I recall. I don't recall. George Berry came up there one time when he was as full as a goat, and said that it was all damned nonsense to fill that up, because they wanted the water. I told Berry that if they thought it could be done with safety, I didn't care to fill it up, and I instructed Lynch to stop it. There was no injunction at that time.

Q. Well, if he was as full as a goat, he was a pretty sensible drunken man in approaching you and asking you to save several hundred dollars of the tribal money, was he not?—A. I can not answer that.

Q. What was the result of George Berry's objection?—A. I don't know that it was the direct result of his objection, but I think I consented to stop it. I sent my property man down there to look it over, Mr. Dummert, but Mr. Dummert reported that they could put up a fence that he thought would protect the people and leave the ditch open, and that fence was put up there. It was frozen up, I think, at the time, the ground there.

Q. Mr. Berry telegraphed the Commissioner of Indian Affairs, did he not?—A. I don't know.

r. BEAULIEU. That is all.

TESTIMONY OF MARSDEN C. BURCH.

The witness, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. State your full name, please.—A. Marsden C. Burch.

Q. Where do you reside?—A. My legal residence is Rochester, Oakland County, Mich.; my operative residence is Washington, D. C.

Q. You are a professional man?—A. A lawyer.

Q. Have been how long?—A. Forty-two years.

Q. What is your present professional connection?—A. With the Department of Justice.

Q. How long have you been with them?—A. It will be 16½ years the 17th of July next.

Q. In what capacity?—A. Under various denominations, attorney, assistant attorney to the Attorney General, special assistant to the Attorney General—at present attorney.

Q. In most of the later engagements your connection was special, with the Attorney General's Office; that is, you were assigned to particular matters?—A. Recently I have had what I call case work—treating this as a case.

Examined by Mr. BEAULIEU:

Q. Judge Burch, what are your duties now as a Government attorney?—A. I practice in the district courts of the United States, the United States Circuit Courts of Appeals, in the United States Supreme Court, and do more or less work, such as expressing opinions, advising the Attorney General upon matters submitted to me in that department, investigating and bringing suits, civil and criminal, or particular matters like the White Earth.

Q. Have you been assigned to any work up here in Minnesota?—A. Yes.

Q. What is it?—A. I had put in my hands the investigation of the White Earth Indian affairs, which had been transmitted to the Department of Justice by the Secretary of the Interior.

Q. Have you any assistants?—A. Many.

Q. How many? You mean in this work?—A. Many in this work, and many elsewhere. I could more easily give you their names than I could give you the number, or as easily.

Q. I would like you to give me the number of your assistants.—A. Number or name?

Q. At present, the names; the number and names, both.—A. Well, the names would constitute the number. William A. Norton ranks first, but he is engaged partly in this work and partly in Colorado and the West. He only gives a portion of his time to this work.

Q. What is his salary?—A. His salary is $3,000 a year, and perhaps he may be said to spend half of his time in this work. Two, Eugene H. Long, attorney, salary $200 per month, exclusively engaged in this work.

Q. Does he get any expenses allowed?—A. Always traveling expenses, upon sworn statement of the items; an allowance, I think, per month, of $90—I don't exactly recall, but I think probably that much—in lieu of subsistence and laundry, while in the discharge of his duties. Three, Arthur M. Seekell, attorney, the same. Four, Gordon Cain, recently, the same; formerly, not so much.

Q. What are their salaries?—A. As I stated, the same as Long; $2,400 a year, if they work steadily. That is all the force of attorneys. There have been different special agents, that is, secret service men, belonging to the bureau of investigation of our department here; there was a Mr. Church—Saron D. Church—of Colorado, at a salary of, probably, $4 per day; Thomas Harper, of Colorado, probably the same. For a short time recently, Charles W. Smith—I don't know where he claims residence—probably the same; and certain stenographers and clerks.

Q. Well, please name the stenographers and clerks.—A. Well, it is varied, as to stenographers, since the work begun. The first stenographers of the Department of Justice that I now recall were some ladies whom we persuaded, in the department, to trade their vacations for the expenses of their trips up here. They were entitled to vacations—all civil service employees—of one month each year; by arrangement with the Attorney General, as they wanted to go north and see the country, we traded, so that they gave up their vacations and received their expenses in coming up here and going home. There were two of them from there, and one from Denver, Colo. Three, I remember, I can give their names, if necessary. I am not certain that I can give their civil-service compensation, but, probably, $900 or $1,000 or $1,100 a year, something like that. They stayed here one month, and about that time Miss Agnes Schneider, then at work in Oklahoma, was detailed to come here and remain upon the work until—well, she is here still engaged in the work—and she remained here in Minnesota until three or four months ago. Again, this past summer, a young lady from Denver, the same one who had been here before, was detailed to come here, and—they were in Minneapolis at work—to help in the rush. I can not think of any more.

Q. Did you have a young man named Burch employed in your office here?—A. I had a young man here employed by Mr. Long for about two and a half months. His name is Benjamin M. Gates, sometimes called Burch. He has been at times an inmate of my family, but is not my son, nor any personal relative of mine. He was employed at $2.50 a day during working days, but he had no traveling expenses, nor did he have any allowance. He was obliged, in the course of his duties, to pay board, or room rent at least, at two different places at the same time. At that time he did not break even on his expenses—without any compensation.

Q. What were his duties?—A. He assisted the persons who were engaged in abstracting—making abstracts of title—by taking the lists, finding places, bringing books out of the vault and placing them before the abstractor, and then bringing the others by relays, so that the abstractor only had to look at the abstract and make the notation, and thus performed a service which, the abstractor said, saved half his time—that is, doubled the amount of work accomplished.

Q. Did you have other members of your family employed?—A. My family? No.

Q. Any relatives?—A. Arthur M. Seekell, whom I have already mentioned, was a relative of mine—a nephew—employed as one of the attorneys. I got him from the Interior Department, where he was receiving exactly the same salary which he received when he came into the Department of Justice, but not until after careful consulta-

tion with the Attorney General upon the subject and the fact being distinctly stated that he was my relative and the Attorney General saying that he saw no reason why he should not come into the service.

Q. Were there any other relatives?—A. Absolutely none. I never had another relative that I know of in the United States service since Army times directly or indirectly related to me.

Q. Did Mr. Long have any of his relatives employed?—A. He had his wife employed for about three months, doing some writing work on the Hinton roll. She did most beautiful service until she was taken sick with a nervous disorder—and very cheaply, I thought. I think she received $70 or $75 a month, and it was cheap service.

Q. How long has your force been employed?—A. My impression is that the first four of the force were assembled by me here in December, 1909—just the latter part of the year 1909.

Q. Have any suits been commenced against anyone?—A. Twelve hundred, or thereabouts, suits in equity, and there were three criminal indictments found.

Q. When were those suits commenced?—A. I think I drew the bills in equity about—early in July, 1910. They have been worked up from that time forward until the present time, some few scattering bills, a dozen or two perhaps not yet drawn.

Q. Has any evidence been taken in regard to any of these suits?—A. No.

Q. The suits have simply been filed?—A. No, sir; not "simply been filed" by any manner of means; a large amount of work has been done upon them, a very large amount of work.

Q. How soon do you expect to begin taking testimony in these suits?—A. Just as quick as the defendants' attorneys are ready. We are urging all the while. In other words, we are on deck; if anybody is in default, they are.

Q. What are the expenses of your force?—A. Well, the expenses I have named to you, of each. I could not, without going into the Auditor's division of the Treasury, tell you the aggregate expense; that is, the expense account outside of their salaries, and you have the data for that; it is a mere matter of computation; as to the expenses here, the rent of their rooms is very light; and at Minneapolis, instead of renting rooms, we picked up rooms in the Government building, I borrowed part of the room of the district attorney that was unused, and they used two of the larger rooms in the Government courthouse there, that were not in use; we quartered ourselves on the Government people, and saved the Government any extra rent whatever there; outside of that, the expenses are very light, such as for stationery, ink, supplies, for the use of the typewriters, etc., very light.

Q. Are they not over $50,000 a year?—A. Well, now; do you mean the salary and the expenses aggregated? I should think that they would not be more than $25,000 a year; I doubt if they are that much. I don't think they are, perhaps, above $20,000; that is, counting the time actually employed. For instance, I draw salary and expenses; but this work is only a portion of what I do; in apportioning it as well as I can, I should say—of course, it is mere guesswork, I could give it to you in an hour or so, if I were aside—but I should say $20,000 would be a high estimate.

Q. You have given the names of a number of persons here who are your employees, and also stated what their salaries are. Do they not also receive a certain amount for expenses?—A. Truly, I could not say, without going in to the Auditor of the Treasury, and making inquiries which would take a long time, I could not get close to those expenses.

Q. Is it not a fact that the expenses for salaries alone amount to over $30,000?—A. I don't think so. That is, if you should count all the time of Mr. Norton and myself, it might amount to $15,000, perhaps, or something like that, but that would not be fair.

Q. I am only taking your testimony that you gave last summer as to the amount of salaries, and I found that they were over $31,000 last year, according to your testimony.—A. Do you mean the salaries?

Q. The salaries.—A. I think that is impossible.

Q. Including the expenses, of course.—A. Well, now, you may have estimated this, you have me at a disadvantage. I have never done that. If you have, all right, you should go on the witness stand and be sworn and state it. When I can compute it, I will do so, if you wish.

Q. I am asking you.—A. I can not answer, off hand. No sensible man would do that.

Q. You have been in charge of this force for two years, and don't know what the expenses are?—A. I have absolutely been in charge. I am the man that has been in charge. I am responsible for them. I do not know, nor am I called upon, to waste valuable time in doing that which has been done by the auditors of the Treasury better than I can do it. If you want to do it, you are welcome.

Q. Is not that your duty?—A. No, sir; it is no part of my duty to do it.

Q. Is it not your duty to see that no one is paid unless he does the work for which he is employed?—A. Yes, sir; and I have carefully and religiously seen to it.

Q. Well, how can you know whether he is doing his duty, and how do you know whether the expenses are being confined to legitimate work?—A. By the same processes that all reasonable and prudent business men adopt in managing a force.

Q. Well, if a man has a force of men under him, a business man, would not he know how much he paid out each month for his employees?—A. He would, unless, in some unimportant details, he had a cheaper man to do it for him.

Q. Have you not a large number of clerks, and can not you detail one man to keep——

Mr. GRAHAM. Mr. Beaulieu, it is not worth while following Judge Burch on that, really. He does not fix the salaries; he has nothing to do with it except to keep them busy.

Mr. BEAULIEU. I imagined it was part of his duties to know how much was expended each year.

Mr. GRAHAM. It is not, and it is useless to fill the record with it. He does not run the Government.

Mr. BEAULIEU. Well, I will let Judge Burch go.

Mr. GRAHAM. No; follow him as long as you will, but follow him along some line that is material.

Mr. BEAULIEU. I merely wanted to show that, as a matter of fact, this force has incurred an expenditure of over a hundred thousand dollars.

Mr. GRAHAM. Very well.

Mr. BURCH. If that is your testimony, I have no objection to it.

Mr. BEAULIEU. I am trying to show by you——

Mr. GRAHAM. You are having an argument about his duty, and it is utterly useless for our purpose.

Mr. BEAULIEU. I simply want to show by his own testimony.

Mr. BURCH. Mr. Beaulieu, you must bear in mind that I am only answering for the Department of Justice now. I am not answering for that part of the force under my direction furnished by the Department of the Interior. I am willing to, if you wish, to the best of my knowledge; but I am only answering your questions as to the Department of Justice, to which I belong.

Mr. BEAULIEU. I thought they were all under your orders.

Mr. BURCH. I can not help your thinking.

Mr. BEAULIEU. I think that any reasonable man would think that, so long as you are in charge here, you should have control of all these matters at least, or at least have sufficient knowledge of things so as to be able to testify.

Mr. GRAHAM. Gentlemen, pursue the inquiry, and please drop the criticisms of one another.

Q. Mr. Burch, did you know of a bill that was introduced in Congress in 1910 which provided for the classification of members of the reservation?—A. As to their blood status?

Q. Yes.—A. I did.

Q. Was that bill not referred to you for a report?—A. For a report for the Attorney General?

Q. Yes.—A. Yes.

Q. During the time it was before you, and you were considering the report that you submitted, did not D. B. Henderson, George Campbell, and Gus H. Beaulieu call upon you?—A. Yes.

Q. And did they not consult with you in regard to that bill?—A. We argued that matter.

Q. Did they not consult with you?—A. If you call it so. Treat it as you will.

Q. Did you not say to them that the way the bill was drawn up you did not like it on account of the Indians having two men to one man for the Department of the Interior?—A. That may have been said by me.

Q. Didn't Gus Beaulieu say to you that the Indians would withdraw the right to select one man and give the Department of Justice that right?—A. I think probably he did.

Q. And was it not agreed then and understood that you would make a favorable report?—A. It absolutely was not so agreed.

Q. Did you not telegraph Mr. Long to come to Washington immediately?—A. I don't think so—that is, I may have, but not on that matter.

Q. Did you not reach over and take up a telephone and telegraph Mr. Long to come to Washington while George Campbell and Mr. Henderson were there?—A. I don't think so.

Q. You are not sure?—A. Well, I am not so sure that I would say positively that I did not. My impression is that I did not; and

I can not think of any reason that I should have done so, because my mind was made up in a very few minutes as to what I would do from the time you came into my office, and I did not change it.

Q. Was not this a provision of the bill regarding the commission: "Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated in a general council by the White Earth Bands of Chippewa Indians"? Was not that a provision of the bill submitted to you?—A. I can not recall, but I recall that to get the favorable consideration of such a bill was your expressed general purpose at that time.

Q. That was the reason we visited Washington and called upon you?—A. I think it was; I am almost sure it was. You made it manifest that it was.

Q. And at your suggestion did not we draw up a bill which was in substance this: "Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated by the Attorney General of the United States"?—A. No.

Q. That was not to be done in the bill?—A. I am answering your questions practically yes or no the way you put them. I say "No." When I have an opportunity to explain, after you get through with your questions, or if you ask the questions so I can explain, I will tell you my recollection of what did occur.

Q. Well, you can tell that later.—A. That is what I will do, if the chair consents.

Q. Is it not a fact that when we consented to make the change, such as was suggested by you, that George Campbell stated then that he was going to leave for Minnesota, in your presence?—A. I have no recollection of his stating anything about leaving for Minnesota. I do not have any recollection, or had not, of a third person, by name, until you just now mentioned it. Since that time I remembered there was a third person, besides you and Henderson, present; but, until you stated, my impression always was that the name was Bradley, but it may have been Campbell.

Q. Did not Mr. Henderson state to you that Mr. Campbell desired to leave Washington and come back to Minnesota, and that inasmuch as you favored the bill, or would have it changed according to the suggestions in the statement made here in the question as I have put it to you, that he could now go, and did you not say, "There is no objection; I do not see why you can not go; we understand each other"?—A. I have no recollection of any allusion to Campbell in any such way, and do not believe that it occurred. As to the othre part, and the way you put it, I say unequivocally no; that I never agreed to such a bill at that time, or at any time, nor did I suggest this, that, or the other thing about that bill.

Q. Did not, on the following day, D. B. Henderson, Gus Beaulieu, and a man named Bradley—Joseph Bradley—from Michigan—call at your office?—A. Now you have got Bradley. Yes, sir; they did.

Q. And was it not suggested then that Gus Beaulieu was also going to leave the city in your presence the following day?—A. Yes; I think there was a statement made that Beaulieu was leaving temporarily—was going away from the city temporarily.

Q. Was it not a fact that he stated that he was going to leave the city and go to Hot Springs, Ark.?—A. I can not recall the details you state; it may have been so.

Q. But you remember Mr. Bradley and Mr. Henderson being present?—A. The name "Bradley" was marked in my mind, and that he was from Mount Pleasant, Mich., where I was well acquainted, and that I talked with him at that time about his acquaintances that I knew at Mount Pleasant. That stamped it on my recollection, which is probably good.

Q. Did not Gus Beaulieu say that, as he understood it, the matter was settled, and you were going to report the bill favorably?—A. I don't think so. I don't believe so. I did not state so. Such is not my recollection.

Q. Did you not state that Mr. Long would be down there in three or four days, in reply—that is, upon the telegraphic message that you had sent him?—A. That Mr. Long would be there soon—quite likely I did; all of which I will explain further on.

Q. You know the provisions of that bill, do you not?—A. I know that in both instances a rough draft or pencil draft of the provisions proposed to be embodied in the bill to be introduced in Congress, was shown me by Mr. Henderson, and that much argument was indulged in to convince me that it was the proper thing to do in both instances.

Q. And did not the Indian Committee of Congress refer that bill to the Interior department, and did not the Interior Department refer it to the Attorney General's office?—A. They certainly did, and the Attorney General also received an inquiry from the committee of Congress asking their opinion about it.

Q. Then it was not merely a pencil copy?—A. Oh, no; that was long afterwards, after the bill was introduced into Congress, that they referred that down. No bill was pending in Congress, that I know of it, at the time Mr. Henderson and you and Campbell, as you state it is Campbell—I don't remember—came in, or the time when you and Bradley and Henderson—the second day, or the day following, the third time.

Q. Are you sure of that?—A. If there was it was not to my knowledge. I did not know there was such a bill pending. It was a bill to be passed, as I understood.

Q. Was not that the reason we called on you?—A. It was to have a bill, but I was not aware at that time that a bill had actually been introduced, far from it. One was to be framed and introduced; but I never knew until now if it is true that the bill had been introduced.

Q. I did not know that Mr. Burch would deny knowledge of that bill.

Mr. GRAHAM. What bill is it, Mr. Beaulieu? Perhaps I can help you.

Mr. BEAULIEU. It is on 24.

Mr. GRAHAM. Oh, yes; that is the commission bill.

Mr. BEAULIEU. Well, there is another; the Indian Office reported against that bill. Here it is, on page 46, the Indian Office reports against that bill. (No. 2 Hearings, p. 46.)

A. I have not denied a knowledge of that bill at all; but I did deny that I had any knowledge of the bill as having been already introduced when you came to me.

Q. Had not the bill been referred to you when Mr. Henderson, George Campbell, and Gus Beaulieu called upon you?—A. No; nor was it for—not for a considerable time after that.

Q. Well, now, you say you are somewhat familiar with that bill. Would not that bill have settled all the difficulties here, to a large extent, so far as it applied to mixed bloods?—A. Your way, yes; I think it would have settled it just the way you wanted it.

Q. Well, couldn't you have controlled the commission, the member that was going to be a Department of Justice man?—A. No; I could not have controlled it. I should be ashamed to say that I could control the appointment of a commission of such a sacred character as you propose.

Q. Are you not the master of your own opinion? You suggested that you would be the member that would represent the Department of Justice.

Mr. GRAHAM. I did not so understand, Mr. Beaulieu.

Mr. BEAULIEU. I want to bring this out.

Mr. GRAHAM. Well, is your question based on the assumption that he said he would have the power to control the appointment of this commission?

Mr. BEAULIEU. Oh, no; he said that "I will be the member to represent the Department of Justice."

Mr. GRAHAM. I do not recall the connection. In what?

Mr. BEAULIEU. On the commission.

Mr. GRAHAM. That Mr. Burch would be a member of that commission?

Mr. BEAULIEU. He said he would undoubtedly be a member of the commission.

Mr. GRAHAM. Just ask him did he say that. That is the quickest way.

Q. Well, did you say——A. No; no; no.

Q. There would have been three members of that commission, would there not?—A. You proposed that way.

Q. Well, would not you believe in an official that would be appointed by the Government?—A. No; not for that purpose.

Q. Why not?—A. I did not believe in any of the project; not from the moment you stated it to me.

Q. Could you not have gotten good evidence to show who were mixed and full bloods much better than the ex parte evidence that you are getting now?—A. Well, the ex parte evidence that we are getting now, while ex parte now, will be submitted before a commissioner to the cross-examination of attorneys on both sides and to the judgment of the Federal court—or, if necessary, three—the district court, the United States circuit court of appeals, and the United States Supreme Court; and I consider this better than any commission that would have been hatched up in the way you wanted.

Q. Yes; but it will cost the settlers a good deal of money. That is what we are trying to avoid.—A. I am sorry they should have gotten into the matter. It was their fault; I can not help that.

Q. How long do you think that manner of proceeding will take?—A. It depends upon how many blocks you throw in our way. I can not tell you.

Q. Well, what do you mean by my throwing blocks?—A. All kinds and manners that you can conceive of, of obstacles thrown in our way while you are yelling that we are delaying.

Q. I have no control over the courts, have I?—A. None at all.

Q. Well, in what manner could I throw blocks?—A. By distracting the attention of the men who are working under me to such affairs as this, and the preparation of a roll, and a dozen other things which I will tell you of further on.

Q. Well, if I had control of this matter, I would have that commission appointed.—A. I believe you would.

Mr. GRAHAM. Mr. Beaulieu, just question him.

Mr. BEAULIEU. He keeps going outside.

Mr. GRAHAM. But you have no right to testify while you are asking him questions, you know. He is the witness. Go for him; give him fits.

Mr. BURCH. You have my free permission to "go for me" all you want to.

Q. How long would it take to make up a roll by which your force could form some opinion as to who are mixed bloods and who are full bloods?—A. Why, we have that now.

Q. Well, how long would it take?—A. How long did it take?

Q. How long do you think it would take to get up a good, reliable roll?—A. I believe we have it now.

Q. How long would it take to get up a good, reliable roll?—A. Well, I can not say, sir, what you would call a good, reliable roll. I think it would not take very long for you to get up a roll that you would be satisfied with.

Mr. GRAHAM. That is not responsive to the question.

Mr. BURCH. I will try to follow, to a t-y-t. I can not tell you, sir. It depends on what kind of a roll.

Q. How long did it take Mr. Hinton to get up his roll?—A. Well, in connection with other matters and duties performed by him, he was engaged upon that roll for nearly a year, or quite. That is, he made the work on that roll a part of the work out of other duties which he performed, finally culminating in his tour with the annuity-payment party, and the space of time occupied, I recollect, was about a year.

Q. Do you regard this roll as being an authoritative roll regarding the blood status of the Indians?—A. No, sir; I don't regard it as authoritative.

Q. Well, why did you approve of it?—A. Because, for the purpose intended, I considered it a monument of correctness and industry. I can heartily approve of it, and did so. But I do not believe it is a correct roll.

Q. You don't believe it is correct?—A. No; and it is no—well, that is not responsive.

Q. Well, then, it is not a monument of correctness?—A. No, sir.

Examined by Mr. DENNIS:

Q. In giving the list of employees, Mr. Burch, a Mr. Smith was referred to as a special agent. Is it a fact that he is an attorney?—

A. No, sir; he is not an attorney, not an attorney at law, at all. He was 12 years in the United States attorney's office at Detroit, and performed many services there, I am told, which were well worthy an attorney. But he is only a special agent, and a member of the bureau of investigation, which means our secret service.

Q. There are also employed in the office two gentlemen by the name of Carr, Miss Warren, Maj. Hinton, Miss Wright, and Miss Sullivan?—A. Yes; I think so.

Q. There used to be a Mr. Fowle?—A. Yes, sir; all of whom were employees of the Interior Department, Indian Bureau.

Q. How long has Mr. O'Brien been in the service?—A. Mr. O'Brien has never been in the service, in the sense that you mean. His only service in this White Earth Indian matter was purely connected with what is on now, the investigation and preparation of the two departments for the hearing before the committee should come here. He has not been engaged on any legal work on these suits, or anything connected with them, at all.

Q. When did his service with the Government commence, if you know?—A. Would you like to know?

Q. Well, about?—A. Well, it was about the time I found out that we were accused of being corrupt, and I wanted to find out——

Q. That does not answer my question.—A. Well, in July, probably, June or July; about the time I wanted to know what was going on.

Q. I believe you testified in Washington, Mr Burch——A. No; I did not testify in Washington; you are mistaken.

Q. Well, you addressed the committee.—A. I made a statement to the committee and answered questions of theirs.

Q. On July 27, 1911?—A. Probably.

Q. I find on page 33 of the second series of hearings the questions leading up to my point. I will start with the question of Mr. Ferris, who was a member of the committee, sitting, listening, at the same time, was he not?—A. He was Representative Scott Ferris, of Oklahoma: yes.

Q. (Reading:)

Mr. FERRIS. If I may interrupt you there just for one more question, although I dislike very much to interrupt: Has there been an official roll made showing the quantum of Indian blood on the White Earth Reservation?

Mr. BURCH. We have the best roll that was ever made in respect to any Indian tribe here as a part of this hearing; it is here now.

Mr. FERRIS. How many rolls have they had?

Mr. BURCH. They never had any complete roll before this that I know anything about.

The CHAIRMAN. At that point, however, Judge Burch, will it not be claimed by some that a former roll is correct and that your own is not?

Mr. BURCH. I never heard such a claim about a former roll. I have heard many claims in regard to ours of that kind; and, gentlemen of the committee, do not understand (?) me; nothing short of omnipotence, absolute omnipotence, would ever serve to make a correct, an absolutely correct, roll of these Indians.

Mr. GRAHAM. Mr. Dennis, I presume that was intended to be "don't misunderstand me." That would make it more in conformity to the context.

Mr. DENNIS (continuing to read):

Mr. BURKE. Was there any roll prior to the one you speak of, of the White Earth Indians, that purports to show the quantum of Indian blood?

Mr. BURCH. No official roll; no.

Judge Burch, do you consider the roll at White Earth in the agency office, which had been used there since the year 1889, an official roll?—A. No.

Q. Do you consider this an official roll?—A. Yes.

Q. This Hinton roll?—A. I will modify my first answer. I think it was official—the first you mention as being prepared in 1889 was made by officials; I think it was prepared by officials who were authorized to prepare such a roll. The best information that I have is that it never was made complete, and I think, in one sense, that it was not official to the extent that the so-called Hinton roll is official, because that was duly examined and approved by the Attorney General, then submitted to the Commissioner of Indian Affairs and approved by him, and then finally adopted by the Secretary of the Interior, a formality that, with the amount of investigation and care taken with it before its adoption, I think, never occurred in respect to any previous roll. That would be my present answer to that question.

Q. But the roll in the agency office that I refer to is the roll by which all business was transacted by the United States Government in connection with the Indians from the time the roll was made until Maj. Hinton got his roll out, at least?—A. You state it as a fact, but do not ask a question.

Q. All right. I will ask you if that is not true?—A. I do not know, not having been conversant with affairs on this reservation or in its agency office, and having no knowledge of them up to the time I came into this business. And I may state that I never yet have been inside of the office at the White Earth Agency.

Q. Did you never hear of the official Government roll of 1888 and 1905?—A. What you state—the way you put the question—I say "no," of course. I can not help it. You call it an official roll. You assume that in your question. I can not answer it.

Q. I will withdraw the word "official."—A. No; I have never seen the rolls.

Q. Never have seen any Government roll of these two allotment schedules?—A. No; no. I made the statement there made before this committee at Washington last summer—in July—from the best information that I could receive from those engaged at work under my supervision respecting the matter.

Q. You have never, then, seen the roll in Maj. Hinton's office in the city of Detroit?—A. Which roll?

Q. His schedule of allotments, which is a roll of the White Earth Indians?—A. Maj. Hinston's schedule of allotments?

Q. Yes, sir.—A. I didn't know he had one.

Q. You have been in his room many times?—A. Where?

Q. In Detroit.—A. Why, yes; I should say so.

Q. And you are the assistant to the Attorney General in charge of these matters?—A. Yes.

Q. And you did not know that Maj. Hinton had a roll of the White Earth Indians in his room?—A. No, sir; I do not.

Q. And that it has been there ever since he came?—A. No; I did not know it, and I don't know it now. It is not part of my business to know it.

Q. Well, there is no necessity to discuss it. It has been there all the time.—A. I am glad to know it. I will take your word for it.

Q. I am surprised you did not know it. You did not know that the Secretary of the Interior authorized the Indian agent at White Earth, in the year 1907, to file a copy of that roll, which itself shows the names of all the allottees, with the fact that they are mixed blood or full blood, not determining the degree, in the office of the State auditor of the State of Minnesota?—A. I did not know it personally. I don't know it personally. I did not know it from information. I do not know it from information, except as you state it in the question.

Q. And you don't know in all these other ways that the State auditor has filed a copy in our county auditor's office in Becker County and the county auditor's office in Mahnomen, and that the county board have taxed the lands upon that schedule where the Indians' names appear as mixed bloods. You did not know that?—A. I have not the honor of the acquaintance of the State auditor.

Q. I am asking you the question.—A. But your question is not a question.

Q. I will let you explain it.—A. I am not acquainted with the State auditor. I am not acquainted with the actions of the State auditor's office, nor with the taxing authorities of Becker County, nor what they have done, nor what they propose to do. I know nothing, therefore, of what you state in making that statement to me.

Q. Could you not have answered that question, "I don't know"?—A. No; I do not think I could. Not comprehensively I do not think I could.

Mr. GRAHAM. We will get along better if you will avoid argument with one another.

Q. Do you know, Judge, whether or not the United States as complainant has commenced an action whereby it may restrain certain county officials of Becker and Mahnomen Counties from taxing certain lands which the Government claims were the allotments of full bloods and minors, about the year 1909, I should say. Did you know that such a suit was pending?—A. I did not know. I never have heard of it before.

Q. I would like to read a part of the certificate of Mr. Long and Mr. Hinton and Mr. Burch, referring to the Hinton roll, which Mr. Burch now to-day says he admits is not accurate or correct.

Mr. GRAHAM. What do you read from?

Q. I read from page 30 of Maj. Hinton's roll. I presume the certificate appears on other pages also:

> We hereby certify that the foregoing roll of Indian allottees of the White Earth Indian Reservation, Minn., showing their respective quantum of Indian blood, made in pursuance of authority contained in letter of March 19, 1910, from the Attorney General to the Secretary of the Interior, and a letter of March 31, 1910, from the Secretary to the Attorney General; also departmental authority of August 3, 1910, is accurate, authentic, and complete as to the persons named therein, and that the information regarding the status as to blood was procured from the allottees themselves, their parents, or from older Indians having direct knowledge of the family history and degree of Indian blood possessed by each allottee.

A. And you say that was signed by me?

Q. Yes, sir: signed by John H. Long, special assistant to the Attorney General; John H. Hinton, Indian agent; Marsden C. Burch, special assistant to the Attorney General. There is some

more there, but I don't believe it will affect the question at all. It refers to the interpreters being properly sworn. I believe, Mr. Burch, that you stated that you were directly in charge of the matters pertaining to the White Earth Reservation under the Attorney General?—A. Yes.

Q. Both civil and criminal?—A. Yes.

Q. And when did you commence working on this particular matter, about?—A. Well, I think I first heard of it in November, 1909; I can give you details.

Q. Now, I don't mean when you first heard of it. I mean when you commenced.—A. I think about November, 1909.

Q. That was about the time Mr. Linnen and Mr. Moorehead finished their services; or while they were here?—A. Quite some time afterwards, I understand.

Q. That is, you heard of it afterwards?—A. I heard—my first knowledge of it was quite a long while after I supposed they had finished their reports.

Q. Do you recall when the first time was that you came to Minnesota in connection with it?—A. Yes; perfectly.

Q. About when was that?—A. It would be difficult for me to give the exact dates——

Q. I am not particular.—A. But my impression is that it was in December or January—December, 1909, or January, 1910.

Q. And the first civil suits were commenced in July, 1010; that is, the complaints were filed.—A. I think probably that is true.

Q. Before any complaints were filed, Mr. Burch, did you ever have an interview with Mr. Powell in regard to them, in which interview you agreed that no suits would be started until the proposed defendants would have an opportunity to prove to you or other officials that you were wrong in your claim as to blood, or your claim as to fraud, or some such understanding? I am only referring to conversations.—A. As you put it, I never did.

Q. Well do you remember such a conversation?—A. Yes.

Q. When was that?—A. Well, I was trying to think whether it was the time when I first came here, that I have just testified about, and at which time I only came as far as St. Paul, and only dealt with the lumber companies to provide by stipulation instead of taking occasion to secure an injunction against the cutting of timber; and when I met representatives of the Nichols-Chisolm Lumber Co., the Wild Rice Lumber Co., and the Park Rapids Lumber Co., at the office of Mr. Houpt, the district attorney, in St. Paul—whether it was that time that we had such an amicable talk, but not as you state it—or whether it was at some later period. We have had many talks on the line of simplifying matters, and I can not at this moment tell you at what time the subject of simplifying matters was broached, but my impression is that Mr. Powell very frankly proposed to do everything that could be done to simplify and hasten affairs the first time we met, which was the day after I met the representatives of the lumber companies at Mr. Houpt's office or at my room in the Ryan Hotel, in St. Paul; I think it was in my room at the Ryan Hotel.

Q. Well, now, Mr. Burch, will you tell us what the agreement was?—A. There was no agreement.

Q. You did not make any promise?—A. I had made no promise.

Q. It was not understood that before any suits were filed the proposed defendants would have an opportunity to be heard and show you that you were wrong or to recompense any person if a fraud had been committed?—A. It was not.

Q. Was not Mr. Nichols present at that meeting?—A. No, sir; I was never in the presence of Mr. Nichols and Mr. Powell together.

Q. Who was present at a meeting when this was proposed or spoken of?—A. Mr. Powell and myself.

Q. No other person?—A. No other person, nor will Mr. Powell say so.

Q. I did not say that he would.—A. I beg your pardon; I should not have added that, to be strictly rulable.

Q. Did you ever speak with Mr. Fairbanks, or H. W. Bockus, or Gus H. Beaulieu, or Mr. Meister, at Detroit, about not filing any suits until they had had an opportunity to show their good faith in buying the land and that the party was a mixed blood and that they had paid the value?—A. Now, no——

Q. Or any such agreement? I don't want you to say no, if there was such an understanding.—A. So many questions—I want to be perfectly candid with you—so many questions are involved in that question which you ask that I can not conceive it possible for myself—what other men might do, I do not know—to answer. But I will say to you I never had—I have no recollection of a meeting with Mr. Bockus. I was introduced to him by Mr. Beaulieu, two years ago, down here, and never saw him before to my knowledge. As to Mr. Meister, I have no knowledge yet of ever seeing a man of that name or hearing of him in connection with White Earth matters. In respect to Mr. Nichols—Nichols, did you say?

Q. Not in the last question—Mr. Fairbanks and Mr. Beaulieu.—A. I have no recollection of ever seeing Mr. Fairbanks in my life to know him, and I do not think I ever met him, to be introduced to him, or know him, in any manner. I do not know him yet. I would not know him if he were here, and I am morally sure I never had a talk with him about any White Earth matters. Mr. Beaulieu I have met occasionally, but since the times when we talked down there at the Department of Justice I have no recollection of ever talking with him, and I never made any agreement with any living being that I would let them know and advise with them how to avoid a suit about these matters. Are there any more mentioned there in your question?

Q. That is all.—A. I was once introduced, I think, to Mr. Nichols—I think it was—in the lobby of the Minnesota Hotel by Mr. Long, on the occasion when he was going in to dinner and there was being held here a county convention or caucus, or something of that kind.

Q. Now, I don't care for that; it is not material. I would rather save the time than go into it.—A. Very well. I just wanted to show you that my recollection was tolerably clear on these matters.

Q. I trust it has been, Judge. Do you know about when the first time was that you read any of the affidavits contained in the Moorehead and Linnen documents, or the report sent in November, 1909, when you took charge of this matter?—A. Two or three years ago.

Q. You never read an affidavit until two or three years ago, that Mr. Linnen made—I mean in connection with White Earth matters?—A. Two or three years ago.

Q. You never read it before that?—A. No. I will explain all the circumstances, when I have an opportunity.

Q. I would like to have you explain it, then, at this time.—A. It will require something of a story, but I will do it now if you wish. Well, when I first learned of this White Earth affair, I was informed that there was a mass of material which, the person informing me stated, would almost cover the table, in a somewhat disordered condition, down at the Indian Bureau, relating to these White Earth matters. In connection with another official I went down there, but did not get to see the table full of papers; didn't ask to; learned something about the matter at different times thereafter up to the time I left with Mr. Farr—or rather, followed by Mr. Farr—to come to St. Paul and get an injunction against the lumber companies. I saw little or nothing of these papers, but merely had a summary statement of what the facts were, and some oral statements to guide me. Mr. Farr persuaded me, as he termed it, to "round up" the companies. In fact, when I got to St. Paul, he met me and informed me that representatives of each of these three companies would meet the district attorney, Mr. Houpt and myself, at the district attorney's office in St. Paul, to see if we could avoid filing a bill. We had that meeting. We reached conclusions. They made arrangements to avoid the injunction, to bond the companies, or whatever it was, so as to handle the logs they had already cut; and I went back to Washington, having accomplished the purpose without filing any bill, which I was utterly upprepared to do with the data I had in hand. I then saw the letter of transmission, with some few papers, containing even then only a part of Mr. Linnen's report, or sections of it, that fell into my hands.

Q. When you refer to a report, do you mean affidavits?—A. No; not affidavits at all: no. Well, it was a very incomplete matter, and I understood that most of the papers were in the hands of the Indian Bureau, and that Mr. John H. Hinton, who has since been with us in this work, was, in the course of his duties in the Indian Bureau, at work straightening them out. I talked with Mr. Hinton about that time, and he informed me that, owing to—well, what I would call misspelling, or lack of similarity of spelling of some names by Messrs. Linnen and Moorehead and the department or bureau way of spelling the same names, that there was a serious difficulty to overcome, and he was having to run back through original allotments and rolls and one thing and another to correct them. In this, of course, I could not assist him. I, therefore, organized the force, with two men from the Interior Department and Mr. Long and Mr. Church from another department, and sent them to the White Earth Agency, where they remained working from that time until in March, I should say, when a portion of the force was moved down to the present offices in Detroit. Soon after that time Mr. Hinton came on with all this matter which he had been at work upon in the department at Washington: brought it on here. Therefore, I never saw it. The men had been at work on the very same lines, except that they had—the men that I had sent up there, at the agency, during all this time, so that it was spring before we got the forces together. By that time we had sufficient data so that the men could inform me and I could draw the bills in equity. The bills in equity were drawn from abstracts made by Mr. Seekell and others in the county offices.

That is all I had to have. I had studied out the general proposition of what kind of a bill I would draw and worked it up, but we had not gotten that far in our investigations of these matters until, as I told you, I filed them. So I never depended on these affidavits personally. I was surprised to find, when I reached Minneapolis on this very hearing before this committee, that the general report of Mr. Linnen and Mr. Moorehead I had never seen, and the affidavits, likewise, I had never seen. Does that answer the question?

Q. I think it does; yes, sir. You knew——A. I knew there were such affidavits.

Q. You knew that these affidavits contained allegations as to great frauds?—A. Yes; I did. But allow me a slight addition.

Q. Certainly.—A. At that time I knew nothing against the Nichols-Chisolm Lumber Co. that was in the nature of anything that any reputable business firm could not have engaged in without trouble to their consciences. I had a feeling of kindness, born of lack of acquaintance, toward all of those people interested, and I laid awake nights to frame a bill that would answer the purposes and yet avoid the term "fraud" or "fraudulent," and all that sort of thing. I laid awake nights devising a bill which would be simply a bill to remove the cloud from the title to these lands rather than make allegations of fraud and corruption, and this, that, and the other, and accomplished it, but they never appreciated it.

Q. You did not attempt to distinguish in any way between the facts, where a white man would get an Indian to drinking and take away his land from him and commit an absolute fraud upon him, as shown by Mr. Moorehead's affidavits, and where an Indian represented himself to be a mixed blood and went to a lumber company and for $21,000, or got money in good faith—in the preparation of that bill?—A. I had not those affidavits. I had not—in the language in which you put it, nor anything like as gross and felonious as you put it—even been told that there were such things as that; at the time I framed my bill there was no such nightmares upon my mind. If I had known what you state I do not know what I would have done. I know what I did do. I framed a bill as mild as a May morning, and merely set forth that the Government owned these lands; that they had been wrongfully clouded as to title; and that we wanted the clouds removed. That is all. I said—and that fact was taken advantage of afterwards—that we alleged no fraud against these people, and that was due to what I thought was my own kindness of heart.

Q. You have never commenced any suits based upon the grounds of fraud?—A. No, sir; I have drawn no bill based upon the ground of fraud, for the simple reason that it was unnecessary to go into it. I am glad of it; indeed, it is not necessary to go into it, for we shall reach the result upon the simple question of whether they were full bloods or not. That is all that is necessary. What is the use of our spending money to prove corruption or fraud, and all this, that, and the other, in equity suits? We can accomplish the same purpose without it.

Q. The only necessity in my mind would be that you would have had an easier time, Judge, showing fraud than you will have showing a person to be a full-blood Indian who took $20,000 and said he was a mixed blood.

Mr. GRAHAM. Are you anxious to make it easier for the lawyer on the other side?

Mr. DENNIS. No, sir. I think the judge would have had the co-operation of the business interests of Minnesota in prosecuting certain persons for frauds, and we all admit that some were committed; but the judge and his corps of lawyers have sat here for three years, and the statute of limitations has run, and they have not brought suit upon the ground of fraud.

Mr. GRAHAM. How can the statute of limitations run in a case where a trust is involved?

Mr. DENNIS. Not involving the question of fraud. Where a mixed blood, for instance, was defrauded, some effort should have been made by some one to aid him in getting into the State court or somewhere to establish that a fraud was committed. And if it was a full blood the fraud was committed upon they could have established it in the United States court.

Mr. BURCH. Well, Mr. Dennis, the decisions are all dead against you, unless it may be in the United States *v.* Allen, decided by Judge Amidon. The decisions are all against you. We can not assume guardianship over all these mixed bloods that the Clapp amendment has emancipated—assume a guardianship over them and sue either in their name or in the name of the United States in the Federal courts. I laid awake nights over that, trying to see some way to do it, and it was finally set down by a very great lawyer, a United States Attorney General. What you are speaking of no lawyer will attempt to do. What we were directed to do was what I did, and I have done no more.

Q. Mr. Burch, is it true that the newspapers have for three years been filled with this——A. Why, it is only two years the first of November that I first heard of it. Your questions are not correct in their assumption.

Q. All right; I will correct them.

Mr. GRAHAM. Under the rule as I understand it, when a question is asked calling for yes or no, if there is any element in it which is not true the proper answer would be a negative one.

A. I would rather come to a better understanding with him and avoid it.

Q. I will make it two years.—A. Two years in November was the first I heard of it, as near as I can recall.

Q. Is it not true that the newspapers of the United States, and especially in the Northwest, have been filled with the fact that frauds have been committed upon the White Earth Reservation and that the Government has commenced suits on the ground of fraud, leading the people to believe that the Government is attempting to correct the frauds?—A. Yes; but I would not undertake to make straight the crooked paths of newspaper men for anything. You know if I were to assume the responsibility for all the newspapers in the Northwest, I would undertake such a contract as I am afraid even I would not be able to accomplish.

Q. I have just one more point, Judge, that I would like to question you on. You say that your duties take you to other places, and your time is divided between White Earth and something else?—A. Very much.

Q. How long now have you been employed on White Earth matters constantly?—A. Never; at no time.

Q. Well, you have been since you came to Minnesota this time?—A. No; that is not strictly true. I devote the major portion of my time, when I am here, to White Earth matters, but I am in correspondence and in action with regard to matters as far west as Utah, and have been doing business about matters in Washington, with the Attorney General, and in correspondence all over the West, and in Washington.

Q. Well, what other large task have you been undertaking during the last year? I don't mean correspondence or visits that you have made, if any, or side trips. I mean what have your duties been since the 1st of November?—A. Well, sir, I have been giving a great deal of attention to a case that involves some 10 or 11 persons on the other side, and a great railway system, the Gould system, with a number of subsidiary companies in Colorado, which has been going on for about seven or eight years, in spite of me, and in which we are involved in work that should take an attorney a long, long time, with, I presume, enough testimony and figures, etc., in it to fill a box such as that table would make if it were inclosed all around, and before an examiner who expects to take from one or two years before he can get through with it. That is one case.

Q. You have been taking that testimony since the 1st of November?—A. No; but I have been preparing to take testimony and going over it, and so has Mr. Norton.

Q. Preparing to take it?—A. Yes; having the former testimony examined with reference to taking more for a second branch of the case; I have won the case in the main, before the court of first instance, and am now taking it up on a further branch of it; the accounting part of it, involving several millions of dollars, I think they estimate $10,000,000 in that in the Denver newspapers, although, as I have said, I won't be responsible for the newspapers. But I can not tell you, and I do not think it would be proper for me to tell you all that I have been or am engaged in.

Q. That is all I care to know.

Examined by Mr. BEAULIEU:

Q. Judge Burch, I don't believe you are trying to misrepresent things. But I want to try to refresh your memory. Can not you recall the time that Ben Fairbanks, H. W. Bockus, Mr. Meister, and myself called at your office here in the city, and Mr. Long was present?—A. No, sir; I can not recall such an instance.

Q. I don't want to take advantage of that. I want to give you all the chance you want to refresh your memory. Do you not recall that we spent about two hours, and that finally Mr. Long, who was present, arose and said, "Gentlemen, we are very busy now," and that we would have to excuse them, and we got up and lft the office? Do you not recall that?—A. I certainly do not. I have no recollection that I ever met Mr. Fairbanks in my life, at this moment. I have often wondered why it was I never met him. So far as Mr. Bockus is concerned, I have no recollection of ever having met him until the other night, in the Minnesota Hotel, when I was introduced to him.

Q. You still insist that you did not meet us at that time?—A. To the best of my recollection and belief, I did not. Of course, if four

men were to so state that I did I might not deny it; but my recollection is pretty clear about men and things.

Q. You do not recollect, then, that we talked over White Earth matters, and that you said that before you commenced any suits you would hear all sides to the controversy?—A. To the best of my recollection and judgment, I did not. I don't see how I could. I don't see how I could do such a thing.

Mr. BEAULIEU. That is all.

Adjourned until 10 a. m., Saturday morning, February 10.

×

WHITE EARTH RESERVATIOI

No. 24

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 10, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

SATURDAY, FEBRUARY 10, 1912.

MARSDEN C. BURCH—Recalled.

Mr. BURCH. I wish to make a correction in the beginning this morning, on the responsibility of another's assurance rather than of my own recollection. I am assured that I did on an occasion, at the office of the force here in Detroit, some time during the spring after we began operations, meet with Mr. Beaulieu, Mr. Fairbanks, Mr. Bockus, and Mr. Nichols. I have absolutely no recollection of the circumstance. I base my correction upon what might have happened and upon the assurance of another who was present as to the occurrence itself and what took place.

Mr. LINNEN. Judge Burch, I wish you would now tell the committee, if you will, just what took place at that meeting between Mr. Gus Beaulieu, Mr. Henderson, and the other gentleman who called on you in Washington with relation to that bill which they proposed for a commission. Just tell it in your own way.

Mr. BURCH. Well, I had intended to do that later, but perhaps it is just as well to do it now. Soon after I had this matter of the White Earth Indians put in my charge, and subsequent to the time when I first visited St. Paul to have a conference with the companies over the cessation of the cutting of timber, one day at my office in the Department of Justice three men came to the office, Mr. D. B. Henderson was one of them, and introduced himself and the others. My recollection is that the other two were Gus Beaulieu and a man by the name of Bradley; possibly it may have been a man by the name of Campbell, but I think it was Bradley. Mr. Henderson had a slip of paper. I need not go into the details about the notations, etc.; how I became acquainted with whom it was that I was confronting. Mr. Henderson had in his hands a slip of paper on which he had drawn up the features of a bill—that is, the essence of a bill—for the appointment of a commission by authority of Congress to classify the Indians as to blood status. I was so far acquainted with the situation as to know that that was exactly the matter that we were to litigate; that would be involved in this litigation which I was directed to commence by the Attorney General at the request of the Secretary of the Interior, and as I had heard Mr. Beaulieu frequently mentioned while here at St. Paul, I was instantly on the alert and on my guard. I listened carefully and very attentively to what they said: I wanted to gain time for consideration. I did not oppose them directly at that time, nor did I agree with them. I listened attentively.

At the conclusion of what they said and urged, and possibly after making some little suggestion as to the manner in which this proposed commission should be constituted, I stated, in substance, that as the Attorney General would probably rely upon me to decide what should be done in such a case as that—as to the Department of Justice recommending or failing to recommend such bill—I would like time for consideration, and it was agreed that they should return later. My recollection is that either Mr. Henderson alone, or possibly Mr. Henderson with the party, returned, and at that time I listened most carefully and attentively and studied the men and their purpose, and at that time I believe that I did make a suggestion that if such a bill passed and it was provided in it, as Mr. Henderson had proposed to change it, to have a person from the Department of Justice—I think I did say that the Attorney General would probably rely upon me to be that party. I had already made up my mind, however, between the first interview and the second, that that bill was intended for a purpose, which purpose was to sidetrack—that is, to go along exactly the lines of the proposed suits in equity, to have a commission, to be appointed outside, come and decide this blood status and make their decision conclusive evidence of the blood status of the parties involved, and thus determine the very same point which I had made up my mind could best be determined by a court of inquiry in each case in equity; but I did not say so to them, nor did I say otherwise. I was careful, because I wanted to find out what their power was, or what their influence was, and where it came from. I was keenly on the alert and as carefully diplomatic as I could be. I think it was stated by Mr. Beaulieu at that time that he was going away and would leave the matter in the hands of Mr. Henderson. I did not see him again that I now recall, but Mr. Henderson called a few days later, and I was then prepared to say to him, which I did, that I must oppose any such bill as that. Later still a bill came to my desk, or, rather, a request with a copy of the bill from, I think, the Committee on Indian Affairs of the House of Representatives asking the opinion of the Attorney General upon the merits of the bill, and also a letter from the Secretary of the Interior containing a like letter to him and a request that the Attorney General should express his opinion to the Secretary of the Interior. I drew answers to the Secretary of the Interior, setting out in full why such a bill should not be passed, which letter was signed by the Attorney General and sent to the Secretary of the Interior.

I drew up a letter direct to the committee, referring them to the letter which the Attorney General had written the Secretary of the Interior. I understand the bill was not passed. I did oppose, for and on behalf of the Government and the Department of Justice, most strongly, the passage of the bill, which, I think, was introduced by Representative Steenerson. In my opinion the passing of that bill was to sidetrack; that is, to get a commission to practically, as far as possible, prevent the very inquiry that we had started out upon and to practically annul, vitiate, and throw aside the equity suits which alone, in my opinion, could determine the questions really at issue—who were full bloods, who were mixed bloods, who were minors, and who were adults. And I was afraid of such a commission; I was afraid for the Indians of such a commission. That is substantially a statement of what happened.

Mr. LINNEN. Mr. Burch, would not that commission have practically duplicated the work that had already been done and approved by the Commissioner of Indian Affairs and the Secretary of the Interior?

Mr. BURCH. Well, it would have duplicated the work that you were sent here to do, and it would have been along exactly the same line of work that we were sent to do, namely, to determine who were mixed bloods and full bloods by a decree, in each instance, of the United States court. That is why I opposed it, because I was afraid.

Mr. DENNIS. It is proposed, Judge Burch, in the civil cases, is it not, to take testimony as to blood before a referee?

Mr. BURCH. No; I had never so proposed.

Mr. DENNIS. Have you not been in correspondence in regard to the appointment of a referee, or I will say stenographer, to take this testimony in 1,200 lawsuits, or as many as you have started?

Mr. BURCH. You use the term "referee"; I said, "No."

Mr. DENNIS. What term would you use?

Mr. BURCH. A commissioner to take testimony. A referee is one to whom is referred matters for an opinion as well as for taking testimony. A commissioner is one who takes testimony and submits it to the court. We have been in correspondence and are actually engaged in trying to settle upon a commissioner to take testimony, but not a referee.

Mr. DENNIS. All right. He will be simply a stenographer.

Mr. BURCH. Well, that is as yet not agreed. I suppose it may be a commissioner or stenographer employed to take the testimony, or a commissioner to hear—that has not been as I understand it, exactly determined in detail as yet.

Mr. DENNIS. It is not proposed, Mr. Burch, to give the commissioner any authority to pass an opinion upon whether any person is a mixed blood or full blood; that is to be left entirely to the court?

Mr. BURCH. You are right.

Mr. DENNIS. And there are about 1,200 cases pending that we expect to try?

Mr. BURCH. Yes.

Mr. DENNIS. Is it your opinion that a judge of the Federal court will ever read the testimony that you introduce, and that we introduce, touching the blood of the Indians in 1,200 lawsuits?

Mr. BURCH. In the first place, it is pretty hard for me to express an opinion as to what a judge will do; he is pretty much his own master for the time being.

I am not a judge of a court of first instance, nor a United States district judge, and I can not tell you what one would do.

Mr. DENNIS. I wish you would answer my question.

Mr. BURCH. That is what I have tried to do. I say I can not tell: as to my opinion of what he will do, I simply have none.

Mr. DENNIS. All right, sir; that will answer it. Yesterday I gave you a chance to run all over; to-day I wish you would not.

Mr. BURCH. I thought you were doing the circumlocuting.

Mr. DENNIS. No, sir; I was not.

Mr. GRAHAM. There is an issue, but I don't think we will stop to try it.

Mr. DENNIS. You have an opinion, Judge Burch, as to whether or not an impartial commission of three men sitting upon the reservation listening to the testimony produced, as proposed by this bill, would be more competent to judge as to the quantum of blood or the question of mixed blood and full blood of all these Indians, than would a judge of the United States court, based upon written testimony alone in 1,200 lawsuits where the testimony is contradicted?

Mr. BURCH. Far less.

Mr. DENNIS. The commission would be far less?

Mr. BURCH. Yes, sir; and first you must catch your commission of impartial men.

Mr. DENNIS. Well, I assumed that the bill provided for impartial men.

Mr. BURCH. Yes, indeed; it generally does. Now, is there any question?

Mr. DENNIS. That is all.

Examined by Mr. BEAULIEU:

Q. You then recall to your mind, Judge Burch, that Ben Fairbanks, H. W. Bockus, and Gus Beaulieu did call at your office here in this city?—A. I do not. I have no recollection.

Q. Well, you were told that they did.—A. I am told by one I rely upon, and who was present, that they did.

Q. And therefore you could not recall any of the conversation which took place?—A. Personally I can not recall; he does; but I can not repeat, of course, what took place; it would be mere hearsay.

Q. How long ago was this?—A. It was some time in the early spring, I think, of 1910, as I understand it, before we had filed any bills.

Q. And were you then acquainted with me?—A. Oh, yes; I had met you previously in Washington.

Q. Do you recall every circumstance of our meeting at Washington, or, I would say, our several meetings?—A. No. I recall the general features of it, because it was very important to me and made deep lodgment in my mind, and I recall the personnel, except one person—that is, the person you mentioned as Campbell. I think there was probably such a man there, because I think three men called; but I felt pretty sure, as I stated yesterday, that on one occasion it was a man named Bradley; I remember that name.

Q. Well, now, Judge, are you not mistaken in regard to the bill that you speak of? Was it not submitted to you for consideration and report before Mr. Henderson, Mr. Campbell, and Gus Beaulieu called upon you?—A. No; it was not a printed bill, such as is introduced. It was on a piece of paper in each instance. It might have been substantially what was repeated in the bill; it might possibly have been the very text of the bill afterwards introduced; but it was not a printed bill, for I well recall that the first time I saw the first bill introduced by Mr. Steenerson was subsequent to even my last interview with Mr. Henderson, after you had gone away.

Q. Well, that may be true; but was not the substance of the bill the proposition submitted to you prior to the visit of Mr. Henderson and myself?—A. Yes; it was. That is, the real meat of it; yes.

Q. Was not the copy that was submitted to you the same as the Mr. Henderson had?—A. The printed copy was a bill.

Q. I mean, was not a copy submitted to you prior to our visit?—A. I doubt it. I doubt if the beginning, "Be it enacted," and all that, the "House of Representatives" and where it was to be introduced, or anything of that kind—I doubt if all that was in. The meat of the proposition was there: that is, on the third occasion, and possibly on the second.

Q. Do you recall that we not only had one meeting, but three or four meetings—not less than three?—A. Two meetings when you were present; one meeting when D. B. Henderson was alone; on that subject—not more than two when you were present.

Q. Did George Campbell, Mr. Henderson, and myself visit you twice together and then afterwards Mr. Bradley went with Mr. Henderson?—A. That is not my recollection.

Q. And was not Mr. Bradley along with Mr. Henderson and Mr. Campbell and me on one of our visits to your office?—A. No; there were never four persons. There were according to my recollection only three.

Q. Now, did you not say quite positively that you would favor the bill as it was drawn up after we left you?—A. I did not.

Q. Or at the time we were with you?—A. I did not; I was very careful about that. I knew I would not, after the first interview, favor such a bill.

Q. Well, then why did you not tell us that?—A. Because it was not part of my duty to do it. I was studying you and the others; and I had studied the situation, and I was not in duty bound to tell you what was going on in my mind at that time.

Q. Is it not the duty of a public officer, where a man approaches him in regard to a matter of such importance to be candid?—A. Yes. That is, in any statement of truth or fact, or anything of that kind.

Q. Did you not decide to oppose the bill only after Mr. Long's arrival in Washington?—A. No, sir. I talked with Mr. Long about it, but my opinion was formed, Mr. Beaulieu, before the first interview with you and the other gentlemen was halfway through; that is, my opinion was formed tentatively, and it was never finally confirmed by any interview with Mr. Long; in other words, he was not responsible.

Q. Would it not have been a good thing—that is, a fair thing—to those who had called on you and went down there at great expense, to have told them there plainly that you were opposed to the bill, instead of misleading them in the way you did and allowing them to return home?—A. It might have been, according to your lights, fair; but according to the interests of the Indians that I had been appointed to look after, it would have been distinctly foolish and unfair; I was looking out for the Indians, and I concluded you could look out for yourselves.

Q. How long would it take a commission under that bill to close this work?—A. I can't say; so many things enter into it, it would be impossible for me to say.

Q. Did it not say it should be closed within six months' time?—A. It might have.

Q. And would not that have resulted in closing your work within that time?—A. If it had been carried out in that way it certainly would.

Q. And was not that your objection to the bill?—A. Absolutely not.

Q. Well, that is all?—A. Absolutely not my objection.

Mr. GRAHAM. Have you any further statement?

Mr. BURCH. Well, my lips are now unsealed by being placed upon the stand, and I will tell the committee, with their permission, the circumstances of this White Earth matter, from my point of view. About November, 1909, two years ago this last November, I was informed by Mr. H. W. Lewis, in charge of Indian affairs in the Bureau of Public Lands—our department—that there was a large matter coming up, and I was asked to take charge of it. As it was case work; that is, a matter that would keep me away from Washington out in the field, I said yes, I would gladly do it, and I went with Mr. Noble, now Assistant Attorney General, in charge of that department, down to the Indian Office and there met certain Indian officials not necessary to name, and talked the matter over and returned. I went a second time alone, perhaps three times.

The lumber companies were represented as being in the very act of cutting valuable pine timber upon this reservation. The anxiety of the bureau was to stop that cutting and allow it to proceed no further. The matter was to be placed in the Department of Justice for the purpose of securing an injunction to prevent such further cutting, and to take charge and prevent the moving of the timber already cut, represented to be a large amount. I was introduced then to a man I had formerly known or become acquainted with, namely, Joseph R. Farr, as superintendent of logging upon the reservation. He was to go with me to St. Paul to secure this injunction. I desire to credit him with the statement that in his opinion, knowing these parties, he could go in advance of me and round them up—I mean the lumber companies or their representatives—and obtain a stipulation which would have all the effect of an injunction. I agreed to it; he went; I followed. We met at St. Paul later in the office of the United States attorney, who was present, and there I met representatives of three companies, the Nichols-Chisholm Lumber Co., the Wild Rice Lumber Co., and the Park Rapids Lumber Co. The personnel of this representation I can not now recall. We had quite a long interview and conversation. They were very tractable; very decent in every way. They promptly agreed to stipulations which, with my experience in lumber matters, and in Mr. Farr's judgment also, satisfied us. They entered into those arrangements. They regretted that Mr. Powell, their attorney, was not present.

The next day he called upon me at the Ryan Hotel. On our side there was present Mr. Houpt, district attorney, Mr. E. H. Long, Mr. Church, whom he brought aling with him from Colorado, special agent, and myself at the earlier interviews when we made the agreement, and at the later interview with Mr. Powell in my room at the Ryan Hotel. The next day after, I returned to Washington. I will cut the matter short by saying that I was informed that the reports of Linnen and Moorehead's investigation in the fall, and a large number of other papers affecting the matter cover the table—a mass of papers in the Indian Bureau; but that they had a Mr. Hinton, whose acquaintance I had formed, at work with them trying to straighten them up—all their records or books there. I secured, in addition to Mr. Long and Mr. Church, the turning over to me of

Mr. Seekel and a Mr. Fowle, who afterwards proved a dope fiend and whom we had to fire—a stenographer. I sent them all to White Earth Agency, and they stayed there during the winter, until March or April. Meanwhile I was attending to many other duties elsewhere and giving such time as I could to these, while they were at work, you might say, from the bottom.

In March Mr. Linnen, who was in charge, moved a portion of the force to Detroit, Minn., when the office was opened. I came here soon after. By that time, or soon after, Mr. John H. Hinton was detailed by the Indian Bureau to join that force and collaborate with them. Their work proceeded as rapidly as possible, I am convinced, but the first difficulty that opposed us was this: Mr. Valentine, of the Indian Bureau, represented to me that applications for fee-simple patents under the Clapp Act were coming to him daily—Members of Congress sending them in not belonging even in Minnesota—saying that their constituents had become interested in these lands by purchase, and they wanted their fee-simple patents as provided by law. Examining the law, I easily understood the reasons, because the Clapp rider of 1906 had no machinery for carrying out these purposes properly.

Had there been one single paragraph providing for some such commission or some official to determine who were to be the emancipated ones and who were not to be all this trouble might have been spared. But not a word of provision was left for the carrying out of the act, and thus the work had to be performed of finding out who were and who were not mixed or full blood and who were not adults or minors. Now, the people who had procured these deeds for these lands were claiming, of course, that the lands were purchased from adults or mixed bloods, and they wanted their patents issued in accordance with the Clapp rider, and the commissioner was embarrassed because he did not know who was of the mixed blood or who was full blood, and therefore he asked me to delay all matters, if necessary, in order that we might advise him so he could act understandingly in issuing the fee simple patents or in declining to do so. That necessitated the work almost immediately, right at the very outset, in the spring with Messrs. Long and Hinton, and I directed them, to relieve the commissioner from this embarrassment in this particular, to take up these applications which I sent forward to them and pass upon them. Well, I may say they spent almost the whole season or six or seven months. They held over 600 hearings of people whom they notified to come in. Some never came. They took a special agent, Mr. Harper, to go out and interview the real allottees to come in and make their showing, and thus the two most important men on this work were diverted from the litigation at the very outset for a long period of time. Now, they had the services also of our most valued assistant, Miss Margaret Warren, because she had been there to act as interpreter, and she was one upon whom we most relied on account of her knowledge of the people, etc., and she had been detailed by Maj. Howard to our service. Now, that left one person on whom I could rely to work at this litigation. That was Mr. Arthur M. Seekel. I had to have abstracts to draw the bills in equity, because it will be readily seen by any lawyer in drawing such bills that you must know whom to make defendants, and under

such circumstances the last grantee in a chain of persons was the one from whom we demanded relief.

I had also to make up my mind what manner of bill I would frame. I spent much time upon it. I think I decided wisely. The sequel has thus shown—instead of taking up all these questions of fraud or allegations of fraud all of these misdeeds charged in the Linnen and Moorehead reports, which, by the way, I had never seen and never did see until recently—I avoided them all in the bill I framed. I alleged simply that the United States owned these lands on behalf of the Indian in fee simple, that they had been beclouded by a series of mortgages and conveyances by persons unauthorized to mortgage or convey, and asked the court to wipe them out because the persons had no right, were under restraint, and had no right in the premises to make the conveyances. I thought that was a very humane and kindly act toward all these defendants. It was not setting up a great roar of fraud and corruption and all that. It would involve only the questions; were they of age, were they mixed bloods, or were they full bloods.

Mr. Seekel had worked both at the abstracts, and later at the bill. I drew then to my assistance from Denver, Colo., William A. Norton, an old-experienced attorney, who has been a great comfort and aid to me throughout. He came, and with the assistance of these stenographers, he would take these bills and superintend their drawing, having a stereotype form in that work to some extent, and thus we made great progress during the months of July and August in the filing of the bills; but all the while we had to keep a man abstracting, and I may say that in this work I am informed that nearly 1,400 abstracts of title, which would have cost the Government an enormous sum of money if purchased from the abstractors, were taken by Mr. Seekel largely, he having experience in that direction, and by the simple aid of the boy who helped him and who facilitated his operations for two and one-half months during the school vacation that summer, at an expense of $2.50 per day. We filed as many bills as we could that season and have continued with these hearings.

Now, to go back. I had conceived the idea of making for ordinary practical purposes—not with any idea of legal efficiency or probative force—a roll of these Indians, showing their blood status. Mr. Hinton was consulted with reference to this and requested, while he was holding these hearings, to make use of all the information he could obtain to that end, which he did—he and Miss Warren. So when it came along toward fall and approaching the time for the annuity payments, with the aid of our office force, we had a card index made as to each Indian, his allotment, and a lot of material necessary to the identification of the Indian and obtaining the blood status, and when Mr. Hinton went out with Maj. Howard and paid the annuities and visited, these Indians were called in and counted. The result was marked on the index card, the card was sent in, and the roll that far completed. Mr. Hinton had prepared a roll which is in my opinion as accurate as could be made by any commission going into the field. He had saved $15,000 to the Chippewa Indians, in my opinion. He had as good a roll as could be made otherwise than by a decree of the United States court, and it answered every practical purpose except the designs or desires of parties like Mr. Beaulieu and his people, and people interested in the purchasing of

these lands. They set up a loud wail. Well, now I will go on. We kept steadily at work with one force obtaining these abstracts of title, and as fast as the abstracts were obtained we filed bills. I won't dwell on that subject any further for the moment. When it came to the early spring of 1911, as I remember it, instead of acting with great celerity in these matters, we were confronted with a demurrer or what practically amounted to that, which we argued out before Judge Morris at Duluth, and immediately after that we began our processes.

Now, I will return to the criminal branch of this business. Requests had been made to commence proceedings, civil and criminal. There was a superheated condition of affairs here, and I was for a while fearful that there might be some outbreak between some of these people and our force, and I was anxious to avoid any such unfortunate situation. I well knew that the statute of limitations had not run and would not run until I could act, so I left the criminal features in abeyance; but I did begin now, with the calling to my assistance of Mr. Cain, an investigation of the criminal features of the affair as it had developed.

In May, 1911, I think it was, we had so far progressed with the examination of more than 400 witnesses at Fergus Falls that the grand jury deliberated and found three true bills, involving many of the parties whose names have appeared before the committee here. At that time there was in contemplation a large number of other persons, many of them residing in this city, who were charged with criminal offenses in connection with this matter. They were carefully examined. It appeared as to those parties who were indicted that all the overt acts necessary were present and that the conspiracies were well defined. It appeared that a combination to accomplish an unlawful purpose was present in the case of a large number of persons in this city and immediate vicinity—persons who have provoked Mr. Beaulieu's sense of justice because they were not indicted. I sent Mr. Frank Hall, a very excellent authority in our department, up here to make a study of the criminal phases of this matter. He returned and advised me that, in his opinion, only these parties who were actually indicted could be indicted, at which I was very much surprised, not having given any study to it, and he gave me his reasons. I was not satisfied with them. I was determined that all parties should be served alike. I applied to the Attorney General, and because he was so busy I procured the presence here of Oliver E. Pagan, whom we believe to be the best authority on criminal indictments and criminal law in the United States. We procured him to come here and draw the indictments and confer relative to these criminal cases. He came. Conferences were had at the offices of the United States attorney between Mr. Houpt, the United States attorney, Mr. Hinton, who had himself been an old prosecutor—and I had been district attorney—and Mr. Pagan and Mr. Cain. We went over the ground. Mr. Cain presented his evidence, etc.

A decision was not reached at that time, but Mr. Pagan went on to Fergus Falls, looked the testimony over that developed there, and he then confirmed Mr. Hall in this statement that these men, about whom so much complaint has been raised as to their not having been indicted, could not be successfully indicted, and the reason was this:

That whereas if those who were indicted had proceded so far after obtaining illegally and fraudulently the titles or deeds of the Indians, that they had applied for fee-simple patents from the United States Government, making a showing therefor; that thus their acts were overt acts, which had a tendency to embarrass the officers of the Government in the discharge of their official duties, which was held to be an indictable offense and a conspiracy by the United States courts; but these Detroit people and other people, I should not mention them by name, had either been shrewd and cunning, or they had been negligent, whichever way they put it, but they had never applied for fee-simple patents. They never had had anything to do with the United States. All they had done had been to get the title from the Indian. And thus the one overt act necessary to constitute their series of wrongs and offenses against the laws of the United States was held to change the phase of the matter. Mr. Pagan said, "I can draw a series of indictments which will not be demurrable, but you can not support them with your facts. If I draw an indictment which tells the truth as you present it to me here—the facts as you present them—it will be demurrable." Hence, it was impossible. Now, that is the reason why—told for the first time, I presume—a large number of parties, whom it had been expected to indict and about whom I would not take "No" for an answer until I had the decision of the very highest authority we had or could get, were not indicted.

I will pass on now. Three parties were indicted; they were subsequently tried. One of them—I need not go further than that, because I intend to keep my hands off of that, out of that proper respect for the judiciary and the courts, which this committee will understand, and which everybody else should understand.

Now, to return, Mr. Morton and myself set to work to bring these equity cases on just as fast as we could. We devised stipulations, made all manner of attempts—mainly successful too—not only to hurry forward the cases, but to stipulate into court the Government's case in chief; that is, its prima facie case, because we had so pleaded and they had so pleaded that the burden showing that these parties were emancipated was upon the defendant, and I may say we have devised a system of the stipulation as to facts alike fair to both sides with Mr. Powell and Johnston & Dennis, who mainly represented these parties, whereby I think there would be a saving of at least $25,000 and probably $30,000, so that we practically go into court with the prima facie case stipulated and out of the way and the simple issue left between the opposing parties: What was the status of the Indian allottee?

I will return to the subject raised by Mr. Dennis last evening, namely, negotiations between Mr. Powell and myself. I have never met a more candid or more agreeable man than Mr. Powell; I have the utmost confidence in him. We had many interviews. He deplored the action of various parties that seemed to sidetrack us all the while, and hold us in check, and it involved us in all manner of trouble. He decried the outcry against us, expresed himself in very commendable terms in regard to that. We went ahead and at one time, before I knew what I know now, from the Linnen reports—from the report of the people—and when I yet believed that the ichols-Chisholm Lumber Co. had acted fairly and equitably toward

these people—before I knew anything against the lumber companies, except that they had bought the timber—we had hoped that we could check up 65 per cent of these titles and decide them between ourselves, by deciding that the parties were mixed bloods and had a right to convey, and that there was no reason they should not have conveyed; that 65 per cent of these so-called clouded titles could be cleared up, and my anxiety is and was very great; but when evidence began to come in with regard to the character of the transactions, a hue and cry was raised by people on the other side. I may say there are two sides to this case; there is the Indian Rights Association and the American Board of Indian Affairs, and they insisted that the Government ought to take up even the cases of those who had been defrauded in compliance with the Clapp rider; that is, the mixed bloods, and right their wrong.

What was their position—to set aside? No; their position simply was that the Government still retain such a guardianship over the Indians. That is an issue undecided right here in the United States Court of Appeals of this circuit, at St. Paul, on an appeal from Oklahoma, where the Government counsel has contended that the Government had such a right as that. Their claim was that we had the right as general guardians for these Indians, notwithstanding the Clapp Act emancipated them wherever they had been defrauded, to go into court as such guardian and remedy the frauds that had been practiced upon them; and that came in as an element to prevent any connection between Mr. Powell and myself; because, if we had gone to work and decided that 65 per cent of these men were under the Clapp Act, and that they ought to be relieved from embarrassment by our so declaring, it would have caused a hue and cry against us. Congress might possibly have appropriated a sum of money—that was suggested—to assist in looking after the interest of these parties that had been emancipated, and yet who had, as it was claimed, been defrauded; and so I will say for the benefit of Mr. Dennis and everybody, that that was all off.

My hands were tied. I could not go on justly with Mr. Powell. I think he recognized it. The subject was dropped; nothing more came of it. There was never an agreement between us, but there was always an attempt to agree to carry this thing forward and get it out of the way.

I never took action in this matter. As I said in the case which comes up from Oklahoma, I became aware that this question of general guardianship was raised and was being brought here. I could not attend the argument in the United States Court of Appeals—Judges Smith, Hook, and Marshall, of Utah City, sitting—and I have not learned that there has been any decision along that line. I am waiting for it, and, of course, do not desire to express any opinion. That is the reason I didn't arrange with Mr. Powell. We went on just as fast as we could, but along in the early spring of 1911 I began to notice, to my astonishment, in the papers of St. Paul and Minneapolis, from their Washington correspondents, rumors of an investigating committee to come from Washington here to investigate the officers of the Department of Justice and the Interior Department for their delays, etc. Now, we had been crowding the persons on the other side; pushing them hard. These suggestions from Washington grew more ominous and threatening. I could not

imagine: I knew I had a force of men who could not be scared and could not be bought; and I was astonished at such a proposition and could not believe it. I was in Washington. I called upon Mr. Stephens, chairman of the Committee on Indian Affairs, an old acquaintance of mine, and he told me that he didn't expect that there would be any committee sent here until after the meeting of Congress in the fall, etc.; he had assured one of the officers of our department, or rather his clerk had before I was there at that time.

So I came away feeling more complacent; but these rumors became more and more frequent, and finally they began to deal with the personnel of this proposed committee, which I confess alarmed me as much as any of the rest. I was pondering about what to do and fretting myself just a trifle over it when I received a telegram from the Attorney General asking me to come in and take charge of the Bureau of Lands, pending the absence of Assistant Attorney General Noble, on account of the death of his father. I went. I think it was in June, late in June. I had hardly got there before it seemed, as if providentially, a person called on me and gave me satisfactory evidence of a claim that Mr. Beaulieu had informed a distinguished Member of Congress that Messrs. Long and Hinton, through the mediumship of one Harry Melrose, of this city, were selling—corruptly, of course—these recommendations for fee simple patents. I was very much disturbed naturally, and while I had absolute confidence in both men—Mr. Long had been in my service for years, where I knew he could have had any amount of money if he would, and had come away poor as ever—yet I saw that there was danger lurking behind this proposition of a committee for investigation, and then it was that I secured the services of Mr. E. C. O'Brien, with whom I had become acquainted in a great matter out in Nevada. I secured him to come here and find out what was doing; and he came. From that time forward I think I knew pretty well what they were doing and how they were going to do it, and all about it; and I felt more at ease when I knew what was going to be done. I learned from him by report that it was the purpose of the people "up the line," as it is termed, as a part of a combination, to represent to the investigating committee that should come here the deplorable condition that existed as to the transfer of lands: the wet blanket that had been thrown upon this country; the stagnation of business: the outrageous delay upon the part of the officers of the Department of Justice in the work, which was prolonging these troubles; the utter incompetency of the members of my force, apparently; and the wrongs that the white people who had invested in lands had suffered at the hands of the Indians who had overreached them and cheated and defrauded them. These Indians were represented as being very cute—a pretty hard set.

They were to be so represented as simply having done up the white purchasers of the lands in battle. That was to be represented to the committee. I learned that certain charges of corrupt and criminal practices were being formulated against the two members of my force whom I have mentioned—Mr. Long and Mr. Hinton—and that part of the matter was to be furnished by Mr. Beaulieu—that part of the evidence. I learned further that four bankers, among whom I remember Mr. Kolb and Mr. Waller as two—I have just forgotten the others—were to testify before this committee that they had been

approached by Melrose on behalf of Long and Hinton, with propositions to put through, for a consideration, recommendations for fee-simple patents; they were to testify. Naturally, I was agitated and I wanted to know what was to be done. I became at once clamorous, also, for an investigating committee. They were loudly calling for an investigating committee, and that was what I wanted. I have labored for it ever since.

I have been carefully, conscientiously, and persistently pushing these 1,200 cases all the while. This investigation has resulted from a clamor for an investigating committee; it has taken a great deal of my time and attention; it has been diverted to some extent; but all the while I have kept moving these suits, never flagging, never stopping in the progress of the filing of bills or in keeping them up with the rules of the court, so that not only now are we not in default in any of these cases; but we have stipulations already drawn for the appointment of a commissioner to take the testimony and orders of the court thereon, and statements of facts agreed upon, practically, between the attorneys, which makes our case in chief—without offering any actual testimony—which will save the Government a large amount, and, according to the rules of the court, projects ahead of their turn the progress of these equity cases. So I think I can safely say that we practically proceeded with these 1,200 cases as rapidly as an attorney could do under the rules of the court, had he in charge only a single equity case.

I say with almost a superlative degree of positiveness that we have never delayed these people in the final outcome or settlement of matters involved in these equity cases, nor have we asked for quarter from the defendants, to my knowledge; and the men are still at work in pushing these equity cases under the terms, and we ought very soon to get to some sort of a show-down. However, I will say that we are just now pushing three or four cases ahead, by stipulation with Mr. Powell, to determine who shall be regarded as a full blood and who shall not; in other words, the quantum of blood necessary to make a mixed blood. We hope to pass that by the court of first instance—the district court—practically by submission, without argument, and go into the court of appeals as early as the May term, which is to be held at Washington. We can swear that we will, on both sides. Mr. Powell, who has always been anxious to keep these several issues apart and further the litigation, and who had helped us on behalf of the defendants very, very greatly in a way highly creditable to him as a practitioner, has joined with us in trying to expedite these cases.

I think I have said now, substantially, all that I need to say in regard to this. I have given the history of the transaction, and the committee knows the rest.

Mr. GRAHAM. Judge Burch, will you explain a little more fully the situation you refer to with reference to one of your employees—the selling of certain information corruptly?

Mr. BURCH. Well, not information—recommendations.

Mr. GRAHAM. Recommendations by whom?

Mr. BURCH. The first thing the commissioner wanted was to hold hearings and advise him whether to issue fee-simple patents or not. The fee-simple patents were, of course, the first evidence of good title of these parties who claimed to be entitled to it; and they had

gone to work and held 600 hearings on applications, or thereabouts, that he had submitted to them, being the whole season at it. Now, I was informed that they intended to show in the course of these hearings that a Mr. Melrose had acted as the go-between, or offered to act as a go-between with these several bankers, so called, who had been buying Indian lands, to arrange (corruptly) favorable recommendations to the Commissioner of Indian Affairs for fee-simple patents and cases in which they were involved. Does that answer the question?

Mr. GRAHAM. It makes it clearer.

Mr. BURCH. Any further information I am perfectly willing to give the committee.

Mr. GRAHAM. What class of persons were said to be buying these recommendations?

Mr. BURCH. Well, I understood there were four bankers, among whom I recall now the names of Kolb and Waller, who were to appear before this committee. They had been largely interested and were largely defendants in these cases. They were to swear that Melrose was to act as a go-between in securing these recommendations for a consideration.

Mr. GRAHAM. How was it that this person was able to give recommendations? Did he recommend over his own name; and was Mr. Long——

Mr. BURCH. Oh, yes; they generally recommended the rejection, or they approved the applications, if they became satisfied, as I understand it. They approved the application for fee simple patent, or they rejected it, if they thought the party was not entitled to it.

Mr. GRAHAM. To clarify the situation entirely, I wish you would distinguish between him and the Mr. Long that we know here.

Mr. BURCH. It is the same party; this was Mr. Long, and that is Mr. Hinton over there [indicating].

Mr. GRAHAM. The Judge Long that we know now?

Mr. BURCH. It is the same party. I call him Mr. Long. I am sparing of my titles. He is not in the room, but he is in the city, and Mr. Hinton is now present in the court room. I guess Mr. Melrose is present—I don't know—he has been here.

Examined by Mr. BEAULIEU:

Q. Judge Burch, will you please give the name of the distinguished Member of Congress to whom you refer?—A. Now, don't misunderstand me. I don't know this to be the fact. I was informed that his name is Moses E. Clapp, who was United States Senator, and he is now, I think; that is, he was the one that was claimed had been informed.

Q. Who was it that informed you?—A. It was stated to me that it was Gus Beaulieu.

Q. Who stated it to you?—A. Mrs. Helen Pierce Gray, a former resident of the city, but at present in Washington.

Q. Did she say where she obtained her information?—A. She did.

Q. Well, where did she say she had obtained that information?—A. Well, it came to me in a peculiar way. A paper was produced and it purported to be—it contained a memorandum, so to speak—a request that Senator Clapp made to Representative Stephens, chairman of the Indian Committee, that Stephens should request that

Representative James M. Graham, the chairman of this committee, should apply to the Commissioner of Indian Affairs for a list of the fee simple patents that had been passed or recommended, and the reason for it was given that he, Senator Clapp, had been informed by Gus Beaulieu, or had received information from Gus Beaulieu, that "Special Agent Long"—that is the way it was put—it was not put "attorney," it was put "Special Agent Long," and Hinton, were selling recommendations for fee simple patents, and that Melrose and Holmes were named as the parties. I think that was about the substance of it.

Q. Did Senator Clapp state in writing or otherwise, before the Indian Office, the Indian Committee, that Gus Beaulieu had given him that information?—A. Not to my knowledge.

Q. You don't know?—A. No; I know nothing of it.

Q. Did Senator Clapp mention that that knowledge had come to him from an Indian named Ke-me-wun-aun-ah-quod, or Jack Rabbit?—A. No, sir; the only Indian named was Gus Beaulieu. I didn't hear anything about——

Q. You didn't know that Gus Beaulieu ever gave that information to Senator Clapp?—A. Not at all; not at all; but I got busy right away.

Q. Did you investigate that matter of the charges against Mr. Long?—A. No. I investigate the charges? You——

Q. Well, you didn't have a right to investigate the charges, but you had a right to investigate Mr. Long.—A. Yes; I did investigate. Yes; I did investigate.

Q. Did you learn that every one of the bankers and land dealers had been approached by Mr. Melrose——A. No, sir. I delegated Mr. Gordon Cain to interview Mr. Melrose; he knew him; and Mr. Melrose, very cheerfully, as he stated to me, told him the story for himself; put it in the form of an affidavit, which we now have, and a complete statement of the whole affair, absolutely denying—admitting that he asked to do business for them—but denying any possible idea, as nearly as I can put it—the affidavit is here—of any intention to imply to them that there was anything crooked about either of these men, or ever had been, to his knowledge, or that they had made such a proposition. We have the affidavit. Have you got it there, Mr. Cain?

Mr. CAIN. No, sir; I have never seen it since I forwarded it to you.

Mr. BURCH. Well, I can produce it before the hearing is over; but Mr. Melrose is here himself.

Do you know whether Mr. Cain or any one acting for you went to the different bankers and land buyers and asked them if that proposition had been made to them?

A. Not that I know of. No; I don't know that. It was only necessary for me to know whether this man admitted it or whether he did not; that was sufficient so far as our men were concerned. If he admitted that this was true and he had made such overtures, it would have been time to get busy with Mr. Long and Mr. Hinton; but he absolutely denied it in the strongest possible terms that a man could make use of, and I thought that was enough, if he had been doing anything, that did not affect Mr. Long or Mr. Hinton.

Q. It would be quite natural for a man to deny such a charge?—A. It would be quite natural for a man to make a charge of that kind.

Q. Just answer my question.—A. Yes; it would be very natural for a man to deny it.

Q. Just confine yourself to answering my questions; I am not going to let you branch out.—A. Well, that is all right. I answered, It would be natural for a man to deny it.

Q. Was it rumored openly everywhere that Mr. Melrose was acting for Mr. Long in getting fee simple patents, and that the price was from $50 to $200?—A. I never heard of the rumor, otherwise than in the Tomahawk; I never knew of it in any other way except as I got it on that day in Washington; I never heard of it from any other source whatsoever.

Q. Well, if the Tomahawk made a statement which was libelous, could not the editor have been arrested?—A. If he was execution proof—no, I guess not; I don't know. Do you mean criminally libelous?

Q. Criminally libelous.—A. I suppose he could, if anyone thought it worth while.

Q. Well, if a man were criminally libeled, would not he think it worth while to defend his good name?—A. Well, I will tell you what I think, if you want to know, in answer to that question.

Q. Yes.—A. I think I would not waste any time making any charges of a criminal or any other kind of libel involved in this matter, this White Earth business, for this reason; it is very simple—there is such a superheated state of public opinion, so many on one side or on the other, that a sensible, practical lawyer would not advise his client to waste any time trying to convict a man of criminal libel, like Gus Beaulieu, for instance.

Q. Well, is not Mr. Long a resident of Michigan?—A. No; Colorado.

Q. Well, Colorado. Are not the same laws regarding criminal libel in force in Colorado as there are in Minnesota?—A. I can't say; I have never examined them.

Q. I asked you that because I stand ready to give you information as to where the Tomahawk goes. It goes into Colorado, and also into your State. I am the editor. Could I not have been indicted in those States for criminal libel?—A. I can't say, not knowing the laws; I don't know. I know that I am not going to follow you for any criminal libel in Michigan, and you may say what you choose; and so far as Mr. Long is concerned, I don't know what he wanted or didn't want to do; I suppose he didn't think it was worth his attention.

Q. But would not a publication in a newspaper be sufficient reason for you to investigate the matter, where the names were given—the parties?—A. I dare say it might be; but you must first get your newspaper.

Q. Well, you refer to the Tomahawk.—A. Oh, I don't consider that a newspaper.

Q. Well, probably you don't.—A. No; oh, no.

Q. But it has a large circulation in your State.—A. You say so. I don't dispute your story; I don't know anything about it.

Q. Well, wouldn't even the news that appears in the Tomahawk justify you in proceeding to get such information as would lead you to come to the conclusion that your men, your subordinates, were innocent of the charges against them?—A. I can only answer that in this way: Criminal libel is defined to be any written or printed——

Q. I want you to answer my question.—A. Well, now, what is that question; read it, please.

Question read.

A. It would not lead me to bother a minute's time, whatever might be said. Whatever it might lead Mr. Long to do, I can not answer.

Q. Then your only object is to make such reports to the department and give special evidence to the department as will prevent it from feeling that there was really any criminal action by any of your subordinates?—A. I can not quite catch that; it is a little involved.

Q. Then your only object in reporting to the department was for the purpose of convincing the officers there in Washington connected with that department that Mr. Long was innocent?—A. Why, I never dignified that matter by a report to the department, because when the man who alone could connect these men with the matter absolutely denied it there was no occasion for me to consider it any further; in other words, it does not make any difference what Mr. Melrose might have said to these bankers. He denied that he had any connection with these men, and swore to it; and he stands willing to swear to it. Whatever he did with them is not a matter for us to consider. It would have been what he did with Mr. Long and Mr. Hinton.

Q. Was not the statement of the United States Senator sufficient for you to go to him and ask where he got his information?—A. United States Senator?

Q. Yes.—A. I was not concerned in going to Senator Clapp. I had not any doubt but what Senator Clapp was stating truthfully that he got such information. I had no reason, therefore, to go and ask him. I had not any doubt but what he got it. If I had had doubts, I would have gone and asked him.

Q. If you had any doubts, why didn't you go and ask him from what source he got his information?—A. Why, it was stated from what source he got it—Gus Beaulieu.

Q. From whom?—A. No; from my informant.

Q. Well, why didn't you go and see Senator Clapp?—A. I will tell you. I wanted men who were qualified and wise to investigate these matters: they are doing it. I took the best course I knew. I told you what I did. I charge Senator Clapp with nothing but having received information—that is, I didn't ever charge him with that—I don't know that that is true; I wanted it investigated.

Q. Was not that a matter of justice to me as well as to him to find out whether your information was right or not, which you could have done at Washington?—A. I think not. There is no requirement upon my part to do so.

Q. Now, you stated here that you had over 100 witnesses at Fergus Falls?—A. I was so informed.

Q. Were you also informed of the number of witnesses that testified there?—A. No; not accurately; not so that I could remember.

The cases were in good hands, and I left them there and attended to my own part.

Q. Now, you mentioned in Washington at the hearings before this committee that Gus Beaulieu had been indicted, did you not?—A. It was asked of me. I didn't want to mention it, but it was called out against my wish.

Q. And in speaking of Gus Beaulieu, didn't Mr. Burke say, "Is he under indictment here?"—A. That was a question of somebody——

Q. (Reading:)

Mr. BURCH. Yes, sir.
Mr. BURKE. In connection with these matters?
Mr. BURCH. Yes, sir.
Mr. HENSLEY. What is the formal charge?
Mr. BURCH. Conspiracy to defraud the Government of its land under section 5440 of the Revised Statutes.
The CHAIRMAN. The Chair hardly thinks it fair to go into the question of an indictment. An indictment would not be admitted as evidence against anybody.

Q. Did that take place?—A. It did take place, I think; but you asked me if I made a statement; I told you, "No;" I answered the question; that is not a statement. I remember the committee asked me a question, and I must have answered it or been in contempt.

Q. (Reading:)

Mr. BURKE. There are some indictments, are there not?

And your answer was:

They are not on that score at all. They are under section 5440 of the Revised Statutes.

A. Doubtless I said that; that was true.

Q. Were those cases tried at Fergus Falls in December, if you know?—A. I was not there.

Q. Well, did you hear that they were tried?—A. I did.

Q. And what was the result?—A. I decline to say what was the result.

Mr. GRAHAM. Why, I don't think we have anything to do with that; and besides it is in the record a number of times; we have stated it repeatedly; there is no question about it; it is in the record a number of times.

Mr. BEAULIEU. I only want to straighten out the record that I was acquainted there.

Mr. GRAHAM. Don't you remember that the judge's charge to the jury was read into the record at Minneapolis?

Mr. BEAULIEU. It had escaped my mind entirely.

Mr. GRAHAM. It is in a number of times, and I don't think it should have gotten in at all.

Mr. BURCH. Once more in this connection, Mr. Chairman, I desire to have it noted that I have at all times absolutely refused to discuss or to testify anything about the trial at Fergus Falls, or anything that would seem to criticize the action or call into question the actions of the Federal court.

Mr. BEAULIEU. Well, you have referred——

Mr. BURCH. I absolutely did not.

Mr. BEAULIEU. To the criminal proceedings.

Mr. BURCH. Well, that is a part of my business; yes, sir.

Short recess.

Q. Mr. Burch, on page 68 of the report, the following questions were asked and answers given by you. [Reading:]

Mr. BURKE. Has there been any influence or intimidation or coercion used?
Mr. BURCH. I do not know about the witnesses.
Mr. BURKE. Upon the witnesses or any of your force?
Mr. BURCH. Well, I have heard of things.
Mr. BURKE. What have you heard?
Mr. BURCH. Well, I have heard that it was hinted to one of my immediate associates that he might have $25,000 of the fund that had been raised if he would resign.
Mr. BURKE. Who was that person?
Mr. BURCH. E. H. Long.

Mr. BURCH. But I said there, didn't I, that I attached no importance to it, but considered it a drunken, maudlin affair.

Mr. BEAULIEU. Well, you don't object to giving me the name of the person who made that offer, do you?

Mr. BURCH. Well, I don't know that I do. If you want me to say, I will say that it was not made by you nor anybody connected with you; but I don't know what I ought to——

Mr. BEAULIEU. Well, that is all I care to know.

Mr. BURCH. It was no one connected directly or indirectly, distantly, or otherwise with you.

Mr. BEAULIEU. That is satisfactory as far as I am concerned.

Mr. BURCH. I didn't consider it important and so stated at the time.

Mr. GRAHAM. It is such a flimsy situation that I hardly think any name should be mentioned in connection with it.

Mr. BEAULIEU. As long as he has made the statement. That is all Judge Burch.

Examined by Mr. DENNIS:

Q. I did not hear the first statement this morning, Mr. Burch, about your being informed by some reliable party that this conversation had taken place between Mr. Beaulieu, Mr. Fairbanks, and Mr. Bockus. I did not get here until about 9 o'clock. Now, the "reliable informant," I take it, was someone in the Department of Justice?—A. Yes; here at Detroit, not at Washington.

Q. I understand you. Did he also inform you about this original schedule of allotments that I inquired about yesterday?—A. No; that is—I will tell you——

Q. I mean last night when you were on the stand.—A. No.

Q. Then you don't know anything more about the original schedule of allotments to-day than you——A. No.

Q. You say there were 600 hearings by Mr. Hinton and Mr. Long, on these applications for fee-simple patents?—A. Approximately. I was so informed, and I have no doubt of it.

Q. Did you attend any of these?—A. No, and yes; that is, I was there at different times; I was here at Detroit and in the office where they were going on at different times—passed through the room. I never allow duplication of labor, if I can help it. There were two men engaged in that business, and it was not necessary that I should take any part; we had enough else to do.

Q. Will the reporter please read the question? I want the answer. [Question read.] I want yes or no.—A. In the sense you put it, no.

Q. That is what I want. Do you know whether or not any Indian who has an application for a fee-simple patent and who is three-fifths Indian blood and two-fifths white—on making that showing before the proper officers—whether the application for fee-simple patent as a mixed blood is approved or disapproved?—A. I don't know. I don't know what action they took in that respect, if that is what you mean.

Q. That is what I mean.—A. I know what the sentiment of the force is; that is, I know what our position is.

Q. Well, the theory at the present time is that an Indian of over half Indian blood and less than half white blood is not a mixed blood under the construction of the Clapp bill.—A. Yes; until we get a judgment of the court.

Q. These hearings before the committee at Washington were held after the indictments had been found at Fergus Falls?—A. I so understand. Those were in July, I think, and early August; and I think the indictments were obtained in May—at the May term.

Mr. GRAHAM. The first hearing was on July 25.

And it was prior to these hearings that Mr. Pagan informed you, as you stated in your general statement, that you could not be successful in the prosecution of other persons whom you had hoped to secure indictments against prior to the committee hearing? Did you have this conversation with Mr. Pagan prior to that?

A. No.

Q. It was after that?—A. Not at all. I left Mr. Pagan here and went away. He went on to Fergus Falls and I went elsewhere. I never saw him after that. I only received a report of what happened; that is, an oral report of what happened at Fergus Falls, what the difficulties were, etc. I never talked with Mr. Pagan about it until months and months afterwards.

Q. You received that report just prior to the committee hearing?—A. Oh, yes; knew all about it. That would naturally be reported to me.

Q. In the three indictments, do you know how many of the indicted persons are Indians?—A. I do not.

Q. Or how many are white men?—A. I do not know hardly any of them personally, except Mr. Beaulieu; and it seems I met this man Fairbanks, but I do not know him, in the sense that I would not recognize him. I know much about him, of course. Mr. Beaulieu is, I guess, about the only one in the whole lot that I knew. We do not duplicate labor, if we can help it, having much to do; and I had nothing to do with that, more than as I have suggested to you or stated here.

Q. And I believe that you stated that the gentlemen around Detroit had not made applications for fee-simple patents like some other people had?—A. My information was that when they came to the proof they were unable to prove that other parties who were expected to be indicted had committed any overt act in the direction of embarrassing the Government officials in the discharge of their duties, such as applying for fee-simple patents, and that therein the case was lacking to constitute a conspiracy under section 5440 of the Revised Statutes, and we had no other offenses so far as I have ever learned.

Q. You say, Judge Burch, that Mr. Powell had cooperated with you and your force in every way to expedite our civil suits—A. I did.

Q. Well, has the other firm of Johnston & Dennis, who have in charge practically all the suits that Mr. Powell has not, ever attempted to do otherwise?—A. I think I connected you with Mr. Powell in that respect. If I did not I will make the amende honorable, and do so now.

Q. We would like to have you do that. You have given Mr. Powell a very high compliment, and he is deserving of it, but the compliment went only to him alone.—A. I pass it on to you now.

Q. Thank you.—A. I do not do that facetiously. I do it honestly.

Q. I do not want it to be understood that we have for a minute ever thought of delaying anything.—A. The attitude of the defendants' attorneys in the equity cases, I will say to the committee, has been most commendable. If they had only just kept away and left us to work at the equity cases and the criminal cases and not distracted our attention to different people, we probably should have been much further advanced than we are now.

Q. I am sorry we were compelled to do so, Judge.—A. Well, your sense of justice is yours—not mine.

Q. In presenting these three proposed questions as to what is a mixed blood to the circuit court of appeals it is hoped to do it in May of this year, is it not?—A. So I am informed by Mr. Norton, who has conferred with Mr. Powell to that end. We hope to work it so as to have the chief Federal courts define what is a mixed blood and what is not—who is a mixed blood and who is not. By this classifying we might be able to eliminate many of our cases and not go any further with them.

Mr. GRAHAM. May I state in the record here, Mr. Dennis, that the committee listens to that part of it merely for the accommodation of you gentlemen? We really do not think that that feature of it is material to our investigation, but for your convenience it is perhaps as well that it should go in.

Mr. DENNIS. Well. I have just one or two more questions along that line that I should like to ask.

Mr. GRAHAM. Go ahead.

Q. In the event of an appeal by either party from the circuit court decision to the Supreme Court of the United States, have you any idea as to the length of time it will take?—A. Oh, yes; I have an approximate idea, formed from long experience in such matters for many years; but it is hoped by us—that is, I think it is by Mr. Powell, who so expresses himself, and by us—that, with three members of the circuit court of appeals in this circuit, and possibly more, that we may feel satisfied; and I think we have enough on either side to settle down to it. I can not answer, nor could I, under the circumstances, definitely answer for the Government; but that is what I hope for.

Q. Will you give me your opinion as to how long it will take?—A. Yes; I will. I think May—let me see—I think the Supreme Court of the United States has only one term, which begins in October. It lasts until they adjourn, generally the next May, or about the 28th of May, and I hope that we can get it on to the calen-

dar for the October term of 1912; that is, the next October term. When it would be ready for argument would be problematical, but probably by the close of the term in the following May; possibly earlier. When they will decide it is one of those things that has been—well, it is simply a matter of speculation.

Q. Sometimes it is months or a year?—A. Yes; I think they have waited in cases that much; but ordinarily about a month or a month and a half.

Mr. GRAHAM. In cases of public interest they are usually pretty prompt?

A. Yes; I think a month to a month and a half might be the common experience in such cases.

Q. Is it your understanding with Mr. Powell that any testimony will be taken before an official decision upon the question of what is a mixed blood?—A. Oh, my, yes. We are going right on with our cases. Do you mean in these stipulated cases?

Q. Yes.—A. Oh, we stipulate the facts.

Q. That is, you stipulate the cause but you do not stipulate the fact as to whether the Indian is a mixed blood or not.—A. No; we take up the case of a person who is stipulated to be such a degree of Indian blood.

Q. In these three cases?—A. Yes.

Q. But I mean in the other cases, where it is a question as to the quantum of blood.—A. We shall not delay the other cases for the result in these cases. We shall go right on just the same. But if we were stopped by the opinion of any court that we were satisfied with, we should stop as to all such cases, and we should endeavor to push ahead all that class of cases where we claim pure—absolutely and technically pure—full blood. Do you understand me?

Q. Yes; but I don't believe you understand me. The defendants will be the first persons to introduce any evidence as to blood?—A. Yes.

Q. Now, is it your understanding that Mr. Powell, while the stipulated cases are pending in the circuit court, will take evidence as to the other 1,200 cases?—A. Oh, yes; I understand we will go right ahead.

Q. You understand that he goes right ahead and takes testimony?—A. Yes; he—oh, when I said that, I meant both parties, and when I said "he," I meant Mr. Powell.

Q. When Senator Clapp was requested to ask Chairman Graham to get a list of fee-simple patents that had been issued, do you know whether it was obtained?—A. Well, I do not even know that Senator Clapp did it. I was only informed to that effect. I do not know that he asked Chairman Stevens to ask Chairman Graham. I was only informed that such was the fact.

Q. As a matter of record, and I think it is in there, Mr. Burch, is it the intention of the Government, can you tell us, to file any large number of suits, or to just wind up what is left?—A. I hardly know whether I ought to answer that question or not.

Q. Well, I don't want to press that, if you are not in position to do so.—A. Well, I will. I will answer it; I think it is perhaps due that I answer it. We have just, perhaps a few—not more than a dozen cases, perhaps, as I understand—yet to abstract and file bills in to mplete all that line of cases reported by Mr. Linnen and Mr. Moore-

head. We have been going on the Linnen and Moorehead list and have practically, as we abstract the case, completed it. Mr. Hinton has informed me that he has found, in addition to the findings of Linnen and Moorehead, he thinks, several hundred full bloods—that is, he found several hundred more full bloods than they had—and has said that when we get through with the Linnen and Moorehead list he intends to bring it to the attention of the department, or had done so, as to whether we should take up his list, which would involve a large number of suits more, and which I deplore personally, because I am anxious to get through this within the term of my life, if I can—that is, if I remain in charge of this work—but which the Attorney General would feel it his duty to investigate, and, if thought proper, to file cases. I had hoped it might pass.

Q. You would oppose bringing more suits, then, until these are disposed of—personally?—A. I can not say that. I would not say that I would oppose anything that the Secretary of the Interior, after due consideration, should request us to do. It would be rather contrary to the ethics of the executive departments to do such a thing as that. One might either comply, or resign, or ask to be transferred to some other work. But I do deplore any trouble with White Earth further than what I have on my hands now.

Mr. GRAHAM. Now, as to the policy, gentlemen, make it as short as possible; it is cold weather for fishing.

NICODEMUS B. HURR, sworn, testified as follows:

Examined by the CHAIRMAN:

Q. State your full name.—A. My name is Nicodemus B. Hurr.

Q. Do you usually write it Nicodemus, or N. B.?—A. I usually write it N. B.

Q. Where do you live at present?—A. I am living at Ponsford, Minn.

Q. Where is that, from White Earth?—A. About 36 miles southeast of White Earth.

Q. How long have you lived there?—A. I have lived at the present location about six months—at the present location.

Q. Prior to that where did you live?—A. Why, I lived about four months at White Earth—that is, prior to this.

Q. Before you lived at White Earth where did you live?—A. I was in the Government service and stationed at Pine Point, White Earth Reservation, Minn.

Q. How long were you there?—A. I was there from September, 1903, to March 4, 1911.

Q. You are part white and part Indian?—A. I don't know. I am Indian.

Q. You don't claim to be a full blood, do you?—A. I have never investigated to find out.

Q. Your appearance would hardly indicate it; but I don't pretend to judge by that. You have been educated where?—A. I attended the Haskell School and the Lawrence (Kans.) and white schools.

Q. How many years did you spend at school altogether?—A. At Lawrence?

Q. Everywhere?—A. Well, let me see; it was—I entered Haskell Institute in September, 1887, and graduated in 1896, I think it was.

Q. At what age did you graduate?—A. I can not tell you when I was born.

Q. You were full grown when you graduated?—A. I think so.

Q. What was your Government employment?—A. I might say something about the courses—give you some idea as regards my education.

Q. Well, if it does not take too much time.—A. Well, I took the postgraduate course at Haskell, and graduated from the normal, and in September was given a position at Fort Louis School, Colorado, and remained there four years.

Q. That was your first Government employment?—A. Yes, sir.

Q. What were you teaching in the agency school?—A. It was at a nonreservation school under the supervision of Dr. Thomas H. Breen.

Q. Where was your next service?—A. My next service was at White Earth School, White Earth, Minn.

Q. How long did you teach there?—A. I taught two winters.

Q. From there, where did you go?—A. From there I was promoted to the principalship of the Pine Point School, White Earth Reservation.

Q. How many grades were there; how many rooms?—A. You mean classes?

Q. At Pine Point?—A. Well, along the literary line there were two teachers employed at that.

Q. How many children?—A. The first year I believe we had about 80, possibly more.

Q. Were they day pupils, or boarding?—A. Boarding.

Q. How long did you continue at Pine Point?—A. I remained from the day that I came until March 4, 1911.

Q. Last March?—A. Yes, sir.

Q. Since then, where have you been?—A. When I resigned, my mother was sick at the time. I moved from the school into a house about half a mile from the school, and about 12 days after that my mother died. It was my intention to go home, but, having no mother and father, I concluded to remain in Minnesota. Then I returned home to my family.

Q. Home means where? You spoke about going home.—A. My mother's home in Kansas.

Q. Where were you born?—A. I was born in Franklin County, Kans.

Q. You, of course, were not entitled to any allotment at White Earth?—A. No, sir.

Q. Do you own any property at White Earth on the reservation, anywhere?—A. No, sir.

Q. You did in Kansas?—A. I own some property in Kansas and some property in Oklahoma.

Q. Did your father and mother live on some reservation in Kansas or just on a farm like other folks?—A. Well, they lived—it was on a reservation.

Q. Have you abandoned the Government work?—A. I resigned; yes, sir.

Q. And you are not now in the employ of the Government?—A. No, sir; I am trying to make my living as an Indian should, I think, by his own labor.

Q. What is your age?—A. Thirty-nine; I will be 40 the 6th of July.

Q. Are you married?—A. I am married.

Q. And your home at present is where?—A. Ponsford, Minn.

Q. The place you described at the beginning?—A. Yes.

Examined by Mr. BEAULIEU:

Q. While you were at Pine Point, did you not have charge of a Government boarding school there?—A. Yes, sir.

Q. You honored all orders written or given to you, orders given to you by the Indian agent at White Earth?—A. I was supposed to; I was a subordinate officer; I was working under the Indian agent at the White Earth Agency.

Q. You were familiar with all the work of the agency, were you not?—A. Some parts of it; yes.

Q. Now, you seemed to be a little reluctant about giving your testimony. Has anybody approached you about your testimony here?—A. Well, I have talked with these Government men; that is, I have talked with a great many of them.

Q. Well, has anybody threatened you in any way?—A. Oh, I am not afraid of anyone threatening me; no, sir.

Q. But have they not threatened you in any way?—A. Well, I will tell you. Yes; they sort of threatened me.

Q. I wish you would state to the committee just what has been done?—A. Well, last evening, as my wife and I were leaving this room, after the adjournment of the day's session, Mr. Otto Dummert spoke to me, as they were leaving the room, and said, "I want to see you," and he called me into that back room—I don't know what the room is, an unoccupied room—and said something like this: That he had heard that the report of Inspector McChesney had just come, or had been received, and that they didn't like to bring this matter up before the committee, or report before the committee, and if I testified it would be necessary to do so. He told them that I was subpœnaed and would answer all questions addressed to me truthfully, no matter what the consequences might be.

Q. He didn't state that that was to test your credibility, did he?—A. No; he didn't say anything about that; he just merely stated that it would be presented here.

Q. Now, has that had any effect upon you?—A. No, sir; it hasn't had any effect on me, I don't believe; I don't care anything about that report. I might go further, and say that I am trying to open a way so that my side of the affair will be heard by the proper officials. I am in correspondence now with the superintendent or supervisor of the Indian schools in regard to that.

Q. Well, I don't think the committee care to hear your side. Do you recognize that paper [handing witness paper]?—A. Yes, sir: I recognize that. That is what we spoke of previously.

Mr. Beaulieu hands the paper to the committee.

Q. Yes. When did you see that before?—A. Mr. R. J. Henry handed that to me upon my return from a certain official trip I had made to White Earth.

Q. You were then principal of the Pine Point school?—A. Yes, sir.

Q. (Handing paper to witness.) I wish you would tell the committee all the circumstances connected with that.—A. These thumb marks were secured by R. J. Henry; they were supplies given to Chippewa Indians, to feed them while they were attending a certain council at White Earth, sometime, I think, in 1909.

Q. That was for provisions furnished to the Indians, you say?—A. Yes, sir.

Q. On whose orders?—A. Maj. John R. Howard.

Q. And the receipt was taken by Mr. Henry?—A. Yes, sir.

Q. And how did it happen that you didn't take the receipt?—A. I was at White Earth at that time.

Q. Did you submit this receipt to Maj. Howard, deliver it to his office?—A. Well, I handed this to Maj. Howard, sometime in August it was; I think about the middle of August, 1909. I handed this paper to him and I said, "Maj. Howard, here are the receipts for rations given to the Indians by Mr. Henry." He says, "Tear it up; we don't want it; tear it up." I folded the paper up and put it in my pocket, and here it is.

Q. Then you kept it?—A. I kept that paper.

Q. And at my request you gave it to me?—A. Yes, sir.

Q. Do you know how they accounted for the rations that they issued at that time?—A. I don't know; I don't really; that is, some parts I don't.

Mr. BEAULIEU. This is a paper that I offered yesterday, and you said that if I could show any connection with Maj. Howard that I could put it in.

Mr. GRAHAM. Mr. Hurr, are you familiar with Mr. Henry's signature?

The WITNESS. Yes, sir.

Mr. GRAHAM. Is this his signature appended to these sheets?

The WITNESS. That is his signature.

Mr. GRAHAM. Have you any personal knowledge of the disposition of the rations mentioned here; any personal knowledge?

The WITNESS. Why, I believe I gave the amounts given there.

Mr. GRAHAM. Where is Mr. Henry now?

The WITNESS. Mr. Henry is at Ponsford.

Mr. GRAHAM. Is he in the Government employ now?

The WITNESS. No, sir.

Mr. GRAHAM. Have you any personal knowledge of any of the items mentioned here; that is, do you know of your own knowledge whether these things were given to the parties named?

The WITNESS. Only that he told me they were given, and he was in charge; and I believed what he said.

Mr. BURCH. I am informed, Mr. Chairman, that Maj. Howard does not in any manner dispute that Mr. Henry issued those rations.

Mr. GRAHAM. Well, that paper may go in. It is too bad it could not have gone in in its proper place, but put it in in this connection.

Mr. BURCH. There can be no dispute about it.

Paper is marked "Beaulieu's Exhibit No. 1."

BEAULIEU'S EXHIBIT NO. 1.

WHITE EARTH AGENCY, MINN., *July 12, 1909.*

We, the undersigned Chippewa Indians, hereby acknowledge to have received rations from John R. Howard, superintendent and special disbursing agent, in the following quantities:

Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Onuediz	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Sam. Finday	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Nay boy nah	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Nay boy Nay Cumme ge	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	William Fairbanks	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Buddice	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ozhe-gonce	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	John Sailor	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	S. Sailor	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Jacob Smith	His thumb mark.

I certify, on honor, that I have issued the foregoing quantities of rations to Chippewa Indians, whose signature by thumb impressions is shown above opposite their names.

P. J. HENRY,
Acting Principal, Pine Point.

Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Penacy	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Mah Kar tahwe Coon nar yay	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Shay Shay way ge Shig	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	May-Kar-war-bee tung	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	John Frank, or Aish-quay-g-won abe	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Pay gum way we dung	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Sam Smith, or Wah-we ya Cuno ig	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Silas Solder, or Bay bah whe tung	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Henry Bellanger	His thumb mark.

WHITE EARTH AGENCY, MINN.

We, the undersigned Chippewa Indians, acknowledge to have received rations from John R. Howard, superintendent and special disbursing agent, in the following quantities:

Tea. 1	Sugar. 10	Pork. 20	Flour. 50	May-Cud-A-Wob	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ke-we-Tah-Karbow	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ke-Ne-we-gush	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ku-we-say-se-Ker-gr-gun	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ah-how-ege-Shig	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Mee Shar Kez gwonahi	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Wah-hash-Aisb	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Joseph Taylor	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Joseph Coleman	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Ah-Baua gwan	His thumb mark.

I certify, on honor, that I have issued the foregoing quantities of rations to Chippewa Indians, whose signatures by thumb impressions, are opposite their names

R. J. HENRY,
Acting Principal, Pine Point.

WHITE EARTH AGENCY, MINN.

We, the undersigned Chippewa Indians, acknowledge to have received rations from John R. Howard, superintendent and special disbursing agent, in the following quantities:

Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Frank Smith	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Dane Bellanger	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Oh-bar-mas-ge wah	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Bee She Kee	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	John S. Rock	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Dane Peak	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	John Cassmay	His thumb mark.
Tea. 1	Sugar. 10	Pork. 20	Flour. 50		
Tea. 1	Sugar. 10	Pork. 20	Flour. 50	Peter Paul	

I hereby certify, on honor, that I have issued the foregoing quantities of rations to Chippewa Indians whose signatures by thumb impressions are opposite their names.

R. J. HENRY,
Acting Principal, Pine Point.

Q. Do you know what was the purpose of the issuance of these rations to these Indians? Did you hear what the purpose was?—A. Well, it was for assistance in attending the council at White Earth.

Q. Do you know what the whole amount of the issue was—the value of the whole amount?—A. Well, according to local prices, I think about $201.

Q. From what sources were those issues made—those supplies?—A. From the school supplies—the school warehouse supplies.

Q. The school warehouse supplies are used only for school purposes, are they not?—A. To feed and care for—yes; to feed the boarding-school children.

Q. Did you ever receive any orders from the agent to furnish Indian school supplies, and were they for councils?—A. Yes, sir.

Q. Can you recall the number of times or the amount that was issued—the value of the amount?—A. I could not. I wouldn't want to say the number of times, and the quantities I wouldn't be able to give; they were submitted to the office, not in the regular way, but through correspondence.

Q. Didn't Mr. Moorhead and Mr. Linnen have authority to obtain supplies from your schools? Do you know?—A. I knew that Mr. Moorhead had authority to use any of the supplies at the agency; but what I mean by the agency is, at any of the warehouses at the schools.

Q. Now, outside of the supplies obtained, did you fill any orders for Maj. Howard with which they were not connected at all?—A. Yes, sir.

Q. Do you know for what purpose?—A. Well, to feed Indians; that is counciling Indians, and to feed the blind or sick and dependent, and so on.

Q. Well, particularly to feed counciling Indians; was not that a great deal of it?—A. Yes; there was some issued to counciling Indians; yes, sir.

Mr. GRAHAM. Counciling Indians means what?

Mr. BEAULIEU. Those holding councils.

Q. Did you hear what the business of those councils was?—A. Well, I don't believe I know very much about the councils.

Q. (Handing paper to witness.) I want to show you a council proceeding. Did you ever see that before?—A. Yes, sir [handing paper to committee].

Q. Where did you see this?—A. At Pine Point.

Q. In whose possession was it?—A. Do you mean that [indicating the paper] or a copy?

Q. Well this one.—A. That was in my possession.

Q. Is this a copy of the original?—A. Yes, sir.

Q. Did you make this copy?—A. Yes, sir.

Q. You saw the original, did you not?—A. Yes, sir.

Q. In whose possession was the original?—A. Maj. John Howard's.

Q. I wish you would tell just how you got possession or saw the original.—A. Well, the agent, John R. Howard, on one of his visits (I don't just recall the date) presented a council proceeding covered with thumb marks—thumb prints of the Indians, I suppose—and he said to me that there were a number of corrections in the petition—or resolution, or whatever it was—the proceeding, and that it had not been signed up properly, and he wanted me to make three copies (the Indians were counciling at that time), so that he could take these copies and have them signed and submit the proceedings to Washington. I made four copies; I gave him three and I retained that.

Q. Did you hear whether he had passed a petition around in that council himself or not, and had it signed at that time?—A. Well, I heard—yes; he, and I suppose that Mr. Harper and several others—of course, it was hearsay. You could hear almost anything.

Q. All right; we are taking hearsay here. Is it all right to have him state what he heard? We have been taking so much of it.

Mr. GRAHAM. There is quite a difference in hearsay; its value would depend a little on whether he heard some responsible person say it or whether it was mere neighborhood talk. Go ahead, if you think it is worth while. Go ahead with it; that will probably be shorter that way.

Q. Did you hear whether Maj. Howard had himself passed the council proceedings around to have the Indians sign them?

Mr. GEORGE. Do you mean that report of the council proceedings?

Q. Yes; that report; I presume a petition.—A. I can't recall that I heard anything about Agent Howard passing this petition around, but I had heard that he passed other petitions and papers at the council.

Q. Do you know whether Maj. Howard was present at the council when this petition was signed by the secretary, the chairman, the interpreter, and the chiefs of the Chippewas?—A. I believe so.

Q. This was on the 6th day of July, 1910, was it not?—A. The date of the council; yes, sir.

Q. Were there any other officials present at that council?—A. Yes, sir.

Q. Who were they?—A. Eugene H. Long, Thomas Harper; I don't know whether the ladies were officials or not, but Mrs. Eugene H. Long was there, and Miss Warren.

Q. Were you present at any time in that council?—A. No, sir.

Q. Were you ever present at any council in which E. H. Long took part?—A. Well, I mean, of course—being present, of course, is taking part. I was a spectator a number of times. Now, at this council Mr. Long addressed the Indians—talked to them.

Q. Did he not advise them to prosecute certain claims against the Government?—A. Well, I don't believe he did at this time.

Q. Did you ever hear him at any time advise the Indians to prosecute claims?—A. Why, I listened a few minutes one time—at the school, I think it was—to some Indians who were there. He had a number of large books and he had papers—reading to the Indians—reading to them in regard to the old claims, about the mixed bloods, and so on.

Q. And what did he advise them to do?—A. I didn't remain there very long to listen to what he had to say. All I know is he was reading to the Indian chiefs about the mixed bloods mentioned in the treaty.

Q. You were at the council, were you not, on the 6th of July, 1910, at Pine Point?—A. Well, I was there a little while one day. The council lasted, you know, for about a week. I was there a few minutes during the 4th of July.

Q. Do you know whether the original of this copy was signed by the secretary, the interpreter, and the chiefs, and also the chairman?—A. I believe so.

Mr. BEAULIEU. May I introduce this?

Mr. GRAHAM. Will you give me the names of the Indians who signed?

Mr. BEAULIEU. They don't seem to be given there.

Mr. GRAHAM. Do you know, or does the witness know, of the Indians who signed? Who was the secretary of the council?

The WITNESS. Well, the head chief was; I think Ne-zho-dain.

Mr. GRAHAM. Who was the interpreter?

The WITNESS. I don't believe the chief has an official interpreter; they used to have different interpreters.

Mr. GRAHAM. Who was the interpreter of that council?

The WITNESS. I don't recall.

Mr. GRAHAM. Who was the chairman of that council?

The WITNESS. I don't remember.

Mr. GRAHAM. There are blanks here for the signature of the secretary of the council, the chairman of the council, the interpreter of the council, and of the head chief of the Chippewas.

The WITNESS. I believe a copy of that, if it was submitted by the major, is on file in Washington.

Mr. GRAHAM. One more question. Is this a carbon copy which was made at the same time the one Maj. Howard retained was made, or did you have the one that he had and sit down and copy from it on this sheet?

The WITNESS. I may explain that. This—the original that was in his hands—was presented to the Indians, or it was signed by the Indians during the 4th of July council at that place in 1910, and the reason that the major did not send this to Washington—the reason that he gave me—was that it was not signed properly; not witnessed properly.

Mr. GRAHAM. I didn't ask you that at all. What I want to get at is, was this a carbon copy made at the same time as the one you call the original was made?

The WITNESS. Yes, sir.

Mr. GRAHAM. Then, this would be an exact copy of it?

The WITNESS. Yes, sir; with a few corrections in spelling.

Mr. GRAHAM. There are two sheets. They don't look alike in character. The first one looks very much like a first copy made on a typewriter and the second one is evidently a second or third copy?

The WITNESS. Yes, sir; but they are both carbons.

Mr. GRAHAM. Very well, they may go in.

Paper marked "Beaulieu's Exhibit No. 2."

BEAULIEU'S EXHIBIT NO. 2.

Be it resolved by the council assembled of the Chippewa Indians of White Earth Reservation, Minn., this 6th day of July, A. D. 1910:

1. Since the visit of Special Indian Agent Warren K. Moorehead and Inspector E. B. Linnen, during the summer of 1909, every effort has been made to discredit the special agents, Moorehead and Linnen, and their work, and knowing these efforts of the mixed bloods, who were the cause of all our troubles, to discredit the work of the special agents, and the peculiar weakness of some of the Indians, the council hereby affirms and upholds every and all acts of the special agents until otherwise proven by competent authority having jurisdiction thereto.

2. The council has every confidence in the ability, integrity, and honesty of purpose in the person of Hon. John R. Howard, superintendent and special disbursing agent; that the said John R. Howard helps the Indians who need help and does not help the capable and privileged few; therefore the council, as far as is consistent and within official propriety will permit, do earnestly urge, request, and implore the Indian Department to retain the said John R. Howard in his present official capacity.

3. The council hereby demands an investigation into the methods whereby the employment of Mr. C. E. Richardson as tribal attorney was effected, and if found to have been illegal, the Government is hereby requested to recover all the money or moneys expended on account of the employment of the tribal attorney, C. E. Richardson.

4. The National Congress is hereby petitioned, through the Indian Department, not to repeal the act which prohibits the introduction of spirituous liquors as provided in the treaties of 1854 and 1855, section 7 of both treaties.

5. The council hereby requests the Indian Department not to approve, and if already approved to cancel, the action of the council held some time last fall, in which the following members composed the committee upon whose recommendation the council was compelled to act.

Members of the committee.—C. H. Beaulieu, one-fourth Indian blood or less; B. L. Fairbanks, one-fourth Indian blood or less; Joseph Parrault, mixed blood but not of Chippewa blood; Wah-we-yay-cumig, mixed blood (claims), G. H. Beaulieu's man; Gah-gah-dosh, George Walters, full-blood Indian.

The following list, which composed the members of the committee, upon whose recommendations the council was compelled to act if any action was to be taken, and that the list represents the dominant complexion of the council, whose act is hereby protested upon the plea that it was not a tribal Indian council.

To prevent the repetition of the occurrance, as stated in the preceding section of these resolutions, the Indian Office is hereby informed that there

are members of this reservation who lend themselves to this cause and those who wish to get rich quick at the expense of the weak members of the tribe, and therefore the council warns the Indian Office to thoroughly inform itself before approving the act of the tribe in which the names of the following may appear as supporting said tribal act: Wah-we-yake-cumig, chief; May-shack-ke-ge-shig, chief; Tay-cumig-ge-shig, chief; Mah-eng-ganse, chief; Bud-dig-gonse, chief (or William Potter); Bug-go-nay-ke-shig, chief; and Wah-gi-mah-dub, chief.

6. The council hereby requests that no more visits of the Mille Lac Indians to White Earth Agency be paid out of tribal funds of any kind, the same having become to be abuse instead of use.

7. The office of Chippewa commissioner does not warrant the expense for its maintenance in proportion to the amount of actual good that can possibly be done by the commissioner, and that the expense is unnecessary: therefore the council requests the same be abolished entirely and that suitable legislation may be recommended by the Indian Department to abolish the same forever.

8. That part of the act in which a former council through manipulation sanctioned the payment of two scalers, hired personally by Mr. Gus. H. Beaulieu, be and is hereby repealed or abrogated, because this would become a bad precedent wherein, hereafter, any individual may hire any private party or parties to do any work which may be claimed as being of interest to the tribe.

9. There are some undesirable members of the tribe whose presence among the tribe is the source of much friction and annoyance among the Indians, and that such undesirable persons are of the kind of one Gus H. Beaulieu, the council deems it to be its duty to request the Indian Department to request the said Gus H. Beaulieu and his party of mixed bloods to desist in their agitation among the Indians, and if they do not desist in the various agitations to have them expelled from the reservation.

——— ———,
Secretary of Council.

——— ———,
Chairman of Council

——— ———,
Interpreter of Council.

——— ———,
Head Chief Chippewas.

AFTERNOON SESSION.

NICODEMUS B. HURR, recalled.

Examined by Mr. BEAULIEU:

Q. Mr. Hurr, in the issue of rations for councils, do you know how they were reported to the department?—A. No, sir.

Q. Is there anything in the rules of the department which would require how they should be reported?—A. Unless there was special authority there is nothing in the rules and regulations that would permit it.

Q. That would permit the issuance of rations for councils?—A. No, sir.

Q. So that there really was no authority for the issuance of rations for any councils?—A. Not that I know of.

Q. Were you in the Government service when Maj. Howard first arrived at White Earth in 1908?—A. Yes, sir.

Q. Did you have any occasion to go to White Earth Agency during that year?—A. Yes, sir.

Q. Were you acquainted with Mr. A. A. Lederbauer, the issue clerk there?—A. Yes, sir.

Q. Did you ever have any conversation with Mr. Lederbauer during the spring of 1908, after the arrival of Mr. Howard at the agency?—A. I believe so; yes, sir.

Q. Can you recall the subject of that conversation?—A. Why, I had several conversations with Mr. Lederbauer.

Q. Did you ever see him at the Government warehouse or at some of those warehouses, probably the blacksmith shop, where they kept certain house goods?—A. Yes, sir; I remember now.

Q. What was Mr. Lederbauer doing when you saw him there?—A. Why, he and some other men were shoveling, out of the small bins or rooms of that old shop, some plaster.

Q. What were they doing with it?—A. They were throwing it out.

Q. Throwing it outside?—A. Yes.

Q. Not going to make any use of it?—A. No; I suppose not; because it was being wasted.

Q. Was there a considerable amount of that plaster?—A. There seemed to be quite a large quantity.

Q. Do you know what that plaster was going to be used for, if they had used it?—A. Well, it was to be used, I understand, I was told, in connection with building some cottages at White Earth.

Q. One of these cottages they were going to build was for Mr. West, was it not, for his use?—A. I couldn't say. Maj. Howard's records will show that, I suppose.

Q. Well, I would rather have it from your recollection.—A. I don't know—it was for cottages, I understood.

Q. Did they, right near this place where you saw them throwing away this plaster start to build a cottage or a building, I mean the Government?—A. Well there was a big hole there that Mr. Linnen saw, and we examined it and talked about it, a big hole near the blacksmith shop.

Q. Well, that was generally talked about, was it not, at White Earth Agency, everybody knew about it?—A. It seemed so. I heard a number talking about it.

Q. Did you hear of a protest being made by a delegation of Indians that went to Washington against that building?—A. No, sir.

Q. How large was this hole?—A. Well, I really do not know the dimensions, but I would say in estimating, about 18 by 20.

Q. There were a large number of persons working at that hole for a long time, were there not?—A. I don't know. There certainly must have been, because the hole is there.

Mr. GRAHAM. Get the dimensions of that hole, the width, depth, and length.

Q. Yes. Can you state the dimensions as near as possible?—As I understand it, it was just a hole dug, but I want to show there was a great many men employed there. What was the size, if you know?—A. Well, really, I couldn't say.

Mr. GRAHAM. Well, you can tell us whether it looked like a cellar or like——

The WITNESS. Well, it looked like a cellar. It must have been 8 feet, oh, about 8 feet deep. Something like that.

Q. And how long?

Mr. GRAHAM. He said 18 by 20 a while ago.

Mr. BEAULIEU. I didn't remember. Was there any other work besides the hole there, such as a foundation for building?

A. I didn't notice any foundation at that time.

Q. Can you form any idea as to the number of days it would have taken one or two teams to dig out that hole with the usual number of men working per team?—A. I couldn't say; I couldn't say.

Q. You can not form any idea as to what such a hole would have cost?—A. I would have to figure that up; I couldn't tell.

Q. Do you know whether any teams were employed there or not?—A. I saw some Indians working there. Saw them with scrapers, and I saw men shoveling dirt.

Q. Did you not see some teams there also?—A. Yes, sir; there were some teams there.

Q. Did you not make any inquiries as to what was being paid per day to those teamsters, or did you learn in any way?—A. Well, according to information from Maj. Howard or his chief clerk the Indians, under what they call the Indian Labor Authority, were paid—an Indian alone is paid, I think, $1.25 per day, and an Indian with team is paid $2.50 per day.

Q. Under the authority?—A. Under that authority; yes.

Q. Did they have authority to dig that hole?—A. I don't know.

Q. Was there a building ever put up over that hole?—A. No, sir.

Q. It is now three years since that was dug, is it not?—A. Something like that; yes, sir.

Q. Nothing further has been done to it except to make that excavation, dig that cellar?—A. Not that I know of.

Q. They just dropped their work and never proceeded any further, is that not so?—A. I suppose so.

Q. Did Mr. Linnen say anything about that at the time you went there with him, or spoke to him about it, if you can recall?—A. I believe he did.

Q. What did he have to say about that?—A. I couldn't say, because I didn't read his report; but we talked about it.

Q. He didn't think it was proper to dig a hole there, did he?—A. Well, I don't know what he thought.

Q. Well, he spoke that way; didn't that express his thoughts?—A. Of course, we talked a good deal, and, of course, anybody could see it was a waste of money. He could see that.

Q. He spoke in criticism of that work, did he not?—A. Well, I really don't remember what he said.

Q. Did you ever hear whether the department had authorized the building of that house they proposed to build there?—A. No, sir.

Q. While you were at White Earth you were associated with Mr. Linnen and also Mr. Moorehead as a subordinate, were you not—around with them?—A. Why, I don't know as I was associated; I was detailed to——

Q. And while you were thus detailed did you not make some investigations for Mr. Linnen, who was then inspecting agency matters?—A. Well, I will say; no, sir.

Q. Did you not assist him to make some investigations there?—A. Yes, sir.

Q. Did you go around with him and see what fuel was in the bins of the schoolhouses and the employees' buildings?—A. Well, to make that clear, Mr. Linnen and Mr. Moorehead told me to look out for anything that I could see that was going wrong or that I thought was wrong; they didn't commission me or give me authority to do

this, but they merely told me to look out and report anything that I saw that possibly might be irregular. And I did so, the best I could.

Q. Well, in doing so, did you find anything that was wrong—that you considered wrong?—A. Yes, sir; I think so.

Q. Well, will you please just state to the committee?—A. Why, I think Mr. Linnen made a report of everything to the department.

Q. No; I want you to state what you saw that was wrong—what you thought was wrong.—A. Well, there was the coal business that has been threshed over here a number of times.

Q. How much coal did you find there that you thought was in wrong hands—if any?—A. Well, I think about 50 tons, more or less.

Q. Do you know how much they were paying for coal at that time?—A. They were paying about $10, I think.

Q. Now, in whose hands was that coal?—A. Well, there was some coal at Maj. Howard's house, there was some coal at Mr. West's house, the chief clerk, there was some coal at Dr. Richard's house, that is the agency physician, and there was some coal at the clerk's cottage, which was occupied by the financial clerk, Mr. Barto, and two assistants, Mr. Dennis and Mr. McDougall.

Q. The coal at the doctor's house is allowed by the department, is it not, for office purposes—that was the office of the physician?—A. I think—yes; they allowed some coal.

Q. Outside of that the department does not allow Government employees to have coal at the Indians' expense?—A. I don't think they are allowed it unless they reside within the building that is occupied by the children.

Q. Do you know whether Maj. Howard, the Indian agent there, had made proper accounting to the Government for this coal that was in his coal bin and in the coal bins of the employees that you have named?—A. I think he wrote a letter about it.

Q. Before Mr. Linnen investigated the matter?—A. It was after. After it was brought to his attention.

Q. Do you know what he stated in that letter?—A. That letter, I think, was under date of October 23, 1909, and it is copied in the agent's private book.

Q. Well, what did he state in that letter, if you know?—A. Why, it was in substance—that is, boiling it down—that last winter being so very cold, and as coal was scarce in the vicinity the employees were allowed to use a little coal; but the chief fuel used was wood, which was purchased by the employees themselves.

Q. That was for the winter previous to 1909, was it not?—A. Yes, sir.

Q. Well, Maj. Howard was not at White Earth during the winter of 1908, was he?—A. He was there in the spring, early in the spring of 1908.

Q. Oh, he used it during the winter of 1908?—A. Yes, sir.

Q. And this investigation was during the summer of 1909? Is that true?—A. This investigation was during the summer of 1909.

Q. So that they used coal during the previous winter?—A. Yes, sir.

Q. And when you made the investigation, or, rather, when Mr. Linnen made the investigation during the summer of 1909, he found about 50 tons of coal in the bins of the employees, did he not?—A. Something like that; yes, sir.

Q. Which the agent had not accounted for until his attention was called to it by Mr. Linnen; is that true?—A. Well, now; I don't know. He certainly must have accounted for it in some way, because property received and used must be accounted for in some way.

Q. Do you know whether he accounted for it as coal used in the residences of the employees?—A. His records will show that.

Q. Well, I am asking if you know?—A. I don't know.

Q. I don't want to rely too much on the record, because there are none of them here. Now, I want to go back to the issuance of rations in 1909. Do you know for what purpose those rations were issued to the Indians whose names appear on the list I showed you this morning?—A. Why, they were—those who attended the council at White Earth—they were given to them.

Q. What was the purpose of that council, if you know?—A. Well, it was in regard to the reappointment of Richardson, and I think was also in regard to adopting some Indians—considering some Indians for adoption.

Q. That is, for enrollment?—A. Yes, sir.

Q. Certain ones who claimed the right of enrollment?—A. Yes, sir.

Q. Now, were not these rations furnished to the Pine Point Indians for the purpose of going to White Earth to oppose the reappointment of Mr. Richardson as the Chippewa attorney?—A. Why, it was to get a good, strong delegation from Pine Point. What the idea was, of course, I do not know.

Q. Who sent out for that delegation to Pine Point, if you know?—A. I don't understand.

Q. Well, did any one send to Pine Point for that delegation?—A. I stated before that it was Maj. Howard that wanted the delegation.

Q. At the time he sent there for that delegation he also sent an order to you to deliver a large quantity of rations, did he not?—A. He talked to me about it; it was a verbal order.

Q. It was just a verbal order?—A. I believe—and I believe he wrote a letter; I don't recollect, though; it has been so long.

Q. After the Indians reached White Earth were they furnished more supplies by the agent?—A. Why, they were furnished supplies, I think, when they left again, when they were ready to go back to Pine Point.

Q. Well, can you recall that while they were at White Earth it was generally known that Mr. Richardson had also furnished them with some supplies?—A. Yes, sir; I think so.

Q. And did you not also hear and do you not know that Maj. Howard took affidavits from Indians to the effect that Mr. Richardson had given the Indians supplies to bribe them for their support?—A. Well, I don't remember as to whether they were affidavits or merely statements, but they—I remember of taking some of them myself and submitting them to Agent Howard.

Q. You were working with Maj. Howard at that time, were you not—that is, in gathering certain testimony?—A. No; I was—when he asked me to do anything I would do it the best I knew how. I was working for the Government.

Q. Yes. Well, he asked you, then, to get these statements?—A. *Yes, sir.*

Q. So you got them?—A. Yes, sir.

Q. Do you know what he did with them?—A. Yes, sir.

Q. Well, what did he do?—A. That is what he told me about it. He told me they were to be sent to Washington to show that Mr. Richardson had given the Indians supplies to influence their vote at the council at White Earth.

Q. Were not those supplies given after the council by Mr. Richardson?—A. I don't remember. I don't remember when.

Q. Mr. Hurr, you refer to records. I didn't know about the records of the agency office until they were given to me by a couple of the members of the reservation. Now, are there not some books or papers called "Property returns"?—A. Yes, sir.

Q. And are they not in the form of abstracts or partially so?—A. Yes, sir.

Q. Is not there an abstract A?—A. Yes, sir.

Q. For what purpose is this abstract A?—A. Well, abstract A contains all purchases made by the agent in the open market.

Q. In open market? And what is abstract B for?—A. Abstract B shows the amounts, names and so on, of persons where the Government has purchased articles by a contract.

Q. Through the Government warehouse?—A. Yes, sir.

Q. Now, what does abstract C show?—A. That shows the quantity of articles raised, manufactured and so so, at the schools.

Q. And what does abstract D show?—A. Abstract D shows the issues to Indians and so on.

Q. In the shape of clothing and rations?—A. Yes, sir; and supplies.

Q. Now, what does abstract E show?—A. Abstract E shows the amount of supplies sold to employees and others.

Q. What does abstract F show?—A. Abstract F shows the amount of Government property expended.

Q. Now, how were their abstracts made up; by whom?—A. They are made up by the office force at White Earth.

Q. By the principals of schools—or do the principals of the schools ever take part in making up any of the abstracts?—A. Yes, sir.

Q. Which ones, did you say?—A. They make up the "property returns," abstracts A, B, and C.

Q. A, B, and C?—A. A, B, and C. Abstracts F and vouchers F——

Q. Now, what do you mean by vouchers F?—A. Well, there is a general voucher of issues, such as clothing and so on, and there is the regular ration voucher of subsistence issued.

Q. Do they keep them in book form or how do they keep them?—A. Well, they keep them just—they are regular blanks, and they are just folded up and kept in sets.

Q. Does the agent also have a report of the employees for each year?—A. Yes, sir.

Q. The amount of salaries paid, etc., to each employee?—A. Yes, sir.

Q. Now, do the principals of the schools make a report of those employees and the salaries paid to them?—A. No, sir.

Q. That is done exclusively in the agent's office?—A. Yes, sir.

Q. Does the—now, when the principal of a school makes a report, is it possible for the agent's office to change that report as to the school?—A. I think so.

Q. And if the principal of the school makes a report—it can go to the agency office, and they can change it over and put in any—add to it anything they want to? Is that not true?—A. I think so; yes.

Q. Without the knowledge of the superintendent, or the principal of the school?—A. Yes, sir.

Q. Do you know if that has been done at White Earth?—A. Well, I don't know whether it has been done.

Q. Do you know whether they could change—could add to the amount of rations charged to individual Indians? For instance, if they give an Indian 50 pounds of flour, is it possible for them to charge them with 100 pounds?—A. I think so. They could do that.

Q. They could do likewise with all the rations that are issued; is that not a fact?—A. Yes, sir.

Q. They can do that with all the implements that are issued?—A. Yes, sir.

Q. They can double the amount in all the issues if they wish to do so without the knowledge of the principals of the schools so far as those things supplied to schools?—A. Well, now, in regard to the property of the schools, they could make that change, but they should notify the principal if they made any change.

Q. During the time that you were principal of the Pine Point School did they ever notify you of any changes that were made or that might have been made?—A. I think so.

Q. And did you not have to correct your report?—A. Yes, sir.

Q. And sign that report in accordance with the report of the Indian Office or the agency office?—A. No; the principals don't sign the "Property returns" or abstracts.

Q. How did you correct that?—A. Simply made corrections—noted in the return that it was a copy they sent back.

Q. They had sent back a copy with corrections and additions wherever they wanted you to make those additions; is that it?—A. Yes, sir.

Q. And you made those corrections and additions?—A. Yes, sir.

Q. Well, is that the usual custom upon the reservation?—A. Well, I don't know whether it is the custom anywhere else.

Q. I meant upon the White Earth Reservation?—A. I don't know whether that is the custom or not.

Q. Couldn't a large amount of property have been disposed of in this way that might have been used for other purposes than those that the agent reported it to have been used for?

Mr. GRAHAM. I suppose the question should be, Was such a thing done, rather than could it be done?

Q. Well, was such done?—A. I don't know whether there was any——

Q. By whom were the abstracts signed which were submitted to the Indian Office at Washington from White Earth?—A. They were signed, I think, by the United States Indian agent.

Q. School superintendents don't sign them, then?—A. The principals don't sign them; no.

Q. I mean the principals. Yes. Were you around with Mr. Lin-n and Mr. Moorhead while they were up there investigating mat-?—A. Yes, sir.

Q. Did you ever see the Indians in councils with Mr. Moorhead and Mr. Linnen?—A. Well, now, what do you mean by councils?

Q. I mean the meetings; we called them small councils.

Mr. GRAHAM. The conferences.

The WITNESS. That is a large number?

Mr. GRAHAM. No; it would be a small number; less than a council should be.

A. Well, I don't know whether you could call it a council. They had a regular set of advisers. I wouldn't call it a council.

Q. How did they follow up their investigations?—A. Well, they went from place to place and called in the Indians, and the Indians would tell their story as they remembered it, and their affairs, and this was taken down by stenographers, I believe, and then it was written—copied on the typewriter—and then it was read to the Indians and signed.

Q. The Indians would make the statements, and then after they got through making their statements they would sign those papers?—A. No; the statements—they would make the statement, through an interpreter, to either Mr. Linnen or Mr. Moorehead, and that was generally taken down by a stenographer, or it was sometimes written with pen by either Mr. Linnen or Mr. Moorehead. It was interpreted and then it was taken down; it was written either in shorthand or with lead pencil, but this was copied by the typewriter and then later on submitted and read to the Indian and signed.

Q. Did they make any statements to the Indians, do you know, which would lead them to believe that—would lead the latter to believe that if they declared themselves as full bloods they would recover their lands?—A. Well, I don't believe they said that—that is, I didn't hear them say that.

Q. They didn't say right out to the Indians that they would get their lands back, but did they not say to the interpreters and was it not talked generally that if a man would declare himself as an Indian he would get his lands back? Was that much talked among the interpreters and the attachés of the force—of Mr. Linnen and Mr. Moorehead?—A. Now, that, I think, was the idea among the Indians—that all who were full bloods would eventually get their lands back.

Q. Now, you were employed at the school, or, rather, on the reservation, when the Clapp Act passed, were you not, in 1906?—A. Yes, sir.

Q. Did you not see a great many of the men who are now claiming to be full bloods going around trying to get somebody to testify that they were mixed bloods? Did any of those cases come to your notice?—A. I didn't see them going around trying to get somebody to say they were mixed bloods.

Q. Did not some of them come to you and say that they were mixed bloods that are now claiming to be full bloods?—A. Yes, sir.

Q. Could you name any of them?—A. Na-to-wash was one.

Q. He stated that he was a mixed blood at that time, did he not?—A. Some time after the passage of this act.

Q. He afterwards sold his land, did he not?—A. I think so.

Q. And he has since declared himself as a full blood. Is that not true?—A. Well, now, I don't know whether he has or not.

Q. Do you know whether he has an English name?—A. Dick Taylor.

Q. Do you know of any other person?—A. Frank Smith, I believe.

Q. He is reported as a full blood, is he?—A. I don't know whether he is reported as a full blood, but I understand he claims to be a full blood.

Q. He claims to be a full blood now?—A. Yes.

Q. Anyone else?—A. Ah-bow-we-ge-shig.

Q. Do you know whether Ah-bow-we-ge-shig sold his land or not?—A. No; I don't.

Q. Ah-bow-we-ge-shig is, in fact, a mixed blood, is he not—generally known as a mixed blood, is he not?—A. I think so. I think he is a mixed blood.

Q. He belongs to the Fine Day, or Provost family, does he not?—A. I think so.

Q. That is all, Mr. Hurr.

Mr. GRAHAM. Do you desire to ask the witness any questions, Mr. Linnen?

Mr. LINNEN. Yes, sir; I do.

Q. Mr. Hurr, during the time that Mr. Moorehead and myself were making the investigation at Pine Point and other places on the White Earth Reservation you assisted us, you worked with us, was detailed and assisted us, did you not?—A. Yes, sir.

Q. And what was your work particularly? What particular work did you do?—A. Why, I did the purchasing and kept a record, I think it was.

Q. You took charge of the records and purchased the supplies for Mr. Moorehead?—A. Yes, sir.

Q. You were very frequently and, in fact, a great portion of the time in the room where we were taking the testimony of the various Indians, were you not?—A. Yes; when I went in there to pay them for their services.

Q. You were there a good deal and saw the examination made by both Mr. Moorehead and myself of a great number of Indians, didn't you?—A. I listened to quite a number of cases.

Q. Was not, in all cases that came under your observation, the Indian fully informed and the questions interpreted correctly to him by the interpreters?—A. Well, now, I couldn't say as to that, Mr. Linnen, as I didn't know enough Chippewa to know whether they interpreted correctly or not.

Q. You don't know whether they interpreted correctly, but you did hear them interpret the questions and answers right along?—A. I saw the interpreters and knew when they were talking to you—that is, talking in English, and I could understand them.

Q. Do you know of any instance coming under your observation, or did you hear of any Indian claiming that the statements made to Mr. Moorehead and myself were not correctly taken down and transcribed and read by him, and that he understood correctly before he signed it?—A. Did I hear?

Q. Do you know of any such case?—A. I don't remember of ever hearing any one—that is, making any remarks in regard to you—that is, to your affidavits.

Q. You don't know, then, of any instance where the statements as made by the Indian were not correctly put down as sworn to and

signed by him?—A. I can not say, because, you see, I did not understand.

Q. Well, you never knew of any such case?—A. I think not.

Q. Now, Mr. Hurr, you assisted us in other ways, by advising us whom you believed to be full-blood Indians that we should send for, did you not?—A. Yes, sir.

Q. And we sent for the Indians whom you thought were the full-blood Indians, in the vicinity of Pine Point, where you knew them?—A. Yes, sir.

Q. Did you ever learn from Rose Ellis, from John Lufkins, or from Charley Moulton, who were our interpreters, that they ever interpreted wrongly the statements of the Indians to us, or from us to the Indians?—A. I never have had any talk with them about it.

Q. You had no reason to believe, did you, that those interpreters were interpreting other than correctly what we said to the Indians, and what the Indians' reply was?—A. I certainly believe that you did not intend to misrepresent anything.

Q. Do you not recall that on numerous occasions I made in substance, in your presence, the following statement to the interpreters, which was interpreted to the Indians, to this effect? We do not care who are the full bloods or mixed bloods. It is not our desire to make any full bloods out of mixed bloods, we want only the truth and the facts; and if any Indian comes before you witnesses whom you know or believe to have a drop of white blood or negro blood in his veins, you tell us so; we want only the truth and the facts. Have you not heard that statement made by me and translated by the interpreters on numerous occasions?—A. Well, now, I will tell you what I remember: A number of times you have talked with the Indians, I understand, but I was not in the room; but I do remember at one time when you did not talk to the—that is, visiting Indians—but you spoke to the old witnesses, and it was because No-de-nah-quah-aum was trying to get his brother down as a full blood and he was telling the other witnesses to swear that he is a full blood and I told you about it. You then went into the room and told the interpreters that you wanted the truth, and I believe you rejected his application.

Q. Did you ever know of a case where we willfully misrepresented or tried to make a full blood out of a mixed blood, if we knew it?—I believe that you made mistakes, of course; but I don't believe that you willfully or deliberately tried to make full bloods out of mixed bloods.

Q. If we did make mistakes, Mr. Hurr, did we not make them on the evidence of those old witnesses who were supposed to know?—A. The Indian misrepresented?

Q. The Indian may have misrepresented?—A. Yes.

Q. Was it not your honest opinion then and is it not your honest opinion now that the work that was being performed by Mr. Moorehead and myself was being done honestly and conscientiously, and that we were honestly endeavoring to perform that work in a just and honest manner?—A. I believe so. I believe you tried to do what was right.

Q. Do you ever know of me having attended an Indian council?—A. Well, I know they wanted you to attend at one time, but you refused.

Q. Where was that, Mr. Hurr?—A. That was at Pine Point.

Q. I was then busily engaged in the room taking the testimony of the full bloods who came before me, was I not?—A. I think so. I believe so.

Q. Yes; I had nothing to do with the council?—A. No, sir.

Q. Do you know of any council that I attended, or Mr. Moorhead?—A. Well, I don't know. I was not present, but I believe you visited the council at White Earth the time Richardson was there.

Q. When was that, Mr. Hurr?—A. That was about the middle of July.

Q. You simply heard that. You did'nt see me do that, did you?—A. That is where I met you. You know I met you in the schoolroom right back of the chapel.

Q. I had forgotten about that.—A. You took no part, I understand.

Q. Now, you accompanied us from Pine Point to Beaulieu, did you not?—A. Yes, sir.

Q. And from Beaulieu to White Earth?—A. Yes, sir.

Q. And the same sort of proceedings; we continued with the same sort of proceedings at each point where we went, did we not?—A. Yes, sir.

Q. And you never observed anything in the conduct of Mr. Moorhead and myself to lead you to believe that we were anxious to make any full bloods out of mixed bloods, did you?—A. No, sir.

Q. You know that a great many parties came before us who were mixed bloods and that we told them we could not take their cases. We were sorry for them and referred them to Attorney Richardson, did we not?—A. Yes, sir.

Q. In some cases we had gone ahead and taken their testimony and a good deal with relation to their blood quantum, as well as the statement as to how they had been defrauded of their land?—A. Yes, sir.

Q. And then rejected them when we found they were mixed bloods and turned them over to Mr. Richardson, did we not?—A. Yes, sir.

Q. Now, Mr. Harr, with relation to this rations roll marked as "Beaulieu Exhibit No. 1," which is signed by R. J. Henry, acting principal at Pine Point; he was authorized by you in your absence to issue rations and do the things that you would do if you had been present?—A. Well, I don't remember now if he would. I don't know if that is right or not. I don't recollect whether we called him up by phone or whether we wrote him a letter, or whether we sent a runner to issue those rations and that Maj. Howard told me to give the instructions. I know that.

Q. Now, Mr. Hurr, why was not this ration list put on abstract D?—A. Now, I will tell you. I was with you and Mr. Moorhead over to White Earth there the middle of July, and then you went off some place; I don't know where you went. Mr. Moorhead and I went over to Pine Point. We went out to Grand Medicine Lake and camped for awhile; then you came, and we worked until the middle of August; and when you came I presented that to Maj. Howard. I said, "Here is the list so that my property may be credited with that amount issued." He said, "We don't need that; *it up.*"

Q. Why didn't Mr. Henry mail it to the office, or why didn't you mail it to the office?—A. Why didn't we mail it to the office?

Q. Mail it to the office; yes, sir.—A. Because we keep our accounts until the end of the quarter or some time when we—of course, we don't mail—now, if there is anyone in charge, there is nothing mailed by that person, usually, or if any receipts are taken those receipts are generally kept until the return of the principal; and at the end of the quarter usually we submit all this.

Q. Did you know whether or not Maj. Howard had the authority to issue these rations?—A. I didn't know anything about it.

Q. If he can show the authority for issuing them, you would say there was nothing wrong or irregular about it?—A. I don't know anything about any irregularity, but they were issued.

Q. And you have no reason to doubt that they were issued in accordance with his statement?—A. His records will show, I suppose.

Q. You have no reason to doubt that Mr. Henry had issued these rations as stated?—A. Why, he did issue them.

Mr. GRAHAM. Why, he has already stated that Mr. Henry did actually issue them.

Q. Now, Mr. Hurr, with relation to the plaster that you saw Mr. Lederbauer shoveling out of the bin at the warehouse, do you not know that that plaster was condemned?—A. Condemned?

Q. Condemned?—A. It certainly must have been condemned, because it was ruined.

Q. Well, it was condemned and was being shoveled out.—A. Is that so? Well, that is new.

Q. Now, in relation, Mr. Hurr, to this hole or cellar which I recall and which you and I spoke of at the time, do you know when that cellar was dug?—A. Oh, it was dug some time before we looked at it, before we were there.

Q. Do you know how long?—A. I think about the preceding summer.

Q. Do you say that that cellar was dug under the supervision of Maj. Howard?—A. I don't know anything about it. I know that Mr. West had something to do with it, anyway.

Q. But if it can be shown that that cellar was dug prior to Supt. Howard's taking charge of the reservation, you would not attach that blame to Supt. Howard, would you?—A. I am not attaching any blame to anybody. I am here answering questions.

Q. I am asking you this question: "If it was dug before Mr. Howard got there, he would not be to blame for it?"—A. I think not.

Mr. BEAULIEU. We are not blaming Mr. Howard; we are blaming the department for squandering the tribal funds.

Mr. LINNEN. I want to put the responsibility where it belongs.

A. I am answering questions here. They asked me, and I am answering.

Mr. GRAHAM (to witness). I recognize that you are trying to be very fair, but still I had the impression that the digging of that hole, apparently for no purpose, was the work of Supt. Howard, or Agent Howard. I am glad to have it corrected.

Q. Now, with relation to the coal that has been much talked of, Mr. Hurr.

Mr. GRAHAM. Before you leave that, if the hole, which I take it was a cellar dug in anticipation of erecting a building over it, if it was dug before Mr. Howard came, under whose administration was it dug?

Mr. LINNEN. It was done, as I understand it, Mr. Chairman, under the former Indian agent, Simon Michelet, the authority having been granted to erect a house and then the authority rescinded after they got started.

Mr. GRAHAM. Of course, the point made by Mr. Beaulieu remains, that in some way, through the action of the Indian Office, it was a useless expenditure of Chippewa funds to dig it and not use it.

Mr. LINNEN. The authority was first granted, and after the work was commenced it was rescinded.

Mr. GRAHAM. But the blame should be placed where it belongs.

Mr. LINNEN. It was during the supervision of Mr. Michelet.

Mr. GRAHAM. Proceed.

Q. Now, with relation to the coal, Mr. Hurr, did you ever go to Maj. Howard's house and see how much coal was in his bins in his cellar?—A. I think so.

Q. And did you go to the other bins?—A. Yes, sir; and also looked at the wood. They had wood, besides this coal—Government wood—and they burned Government gas.

Q. And you simply estimated that there was about 50 tons of coal, in your judgment?—A. I said "about."

Mr. GRAHAM. Was that anthracite coal?

A. Hard coal.

Mr. GEORGE. Pennsylvania coal, wasn't it?

The WITNESS. I don't know where it came from.

Q. Do you know, Mr. Hurr, how much coal is allowed for the agency proper, being for the agency office and the old folks' home and day school?—A. No; I don't. You didn't ask me to figure that up. You didn't ask me to even look over the school coal. All you asked me was to go and look over Maj. Howard's affairs. The agency employees and the school employees were not considered. These were all agency employees.

Q. Now, where is the Government wood, or where was the Government wood, at that time?—A. Do you mean what the employees were using?

Q. Yes; anywhere?—A. Well, there were a few cords back of Mr. Barto's building and some back of Dr. Richards's house; there was some in the rear of Mr. West's house at that time, and Maj. Howard had about 8 or 10 cords of split wood back of his kitchen.

Q. Well, do you say that that was Government wood?—A. Well, I was told by the clerks that it was Government wood, and by the superintendent of the schools, Mr. Goen. You told me to inquire, and I did and reported the matter to you.

Q. What clerks do you recall?—A. Mr. Dennis, Mr. Barto, Dr. Richards, and Mr. Goen. Mr. West, there, told me it belonged to the Government, and it was reported to Washington that it belonged to the Government.

Q. Who reported it?—A. You did. You told me that you did.

Q. I reported that the wood that they had at their homes belonged to the Government?—A. No; we are talking about the coal.

Q. I am talking now about the wood.—A. Well, I thought you were talking about the coal.

Mr. GRAHAM. That makes all the later answers valueless.

A. I was talking about the coal.

Q. I was talking about the wood, Mr. Hurr. I was asking you what Government employees you had found using Government wood.—A. Well, there was Maj. Howard, Mr. West, and the clerks, and all agency employees. Of course, other employees were using wood, but they belonged to the school; they were school employees. The mess at the White Earth school—they were using Government wood, but that, of course, belonged to the school and this was school property.

Q. But do you claim that the wood Mr. West was using and Maj. Howard was using was Government wood?—A. That is what they told me.

Q. Did Maj. Howard so tell you?—A. No; I didn't speak to Maj. Howard about it. You told me to look into this, and I wouldn't talk with any of my superiors.

Q. Did Mr. West tell you he was using Government wood?—A. Yes. He told me it was Government wood, and they wrote a letter later on stating that they had no Government wood, but I think I can show that they did have Government wood.

Q. Now, with relation to the issue of Government property being made. You said that the agent or the employees who had access to those reports could change the amount, the quantity, of various articles as issued; that is, they could expend more and show that more was expended than really was. Do you know of any specific instance where that was done?—A. I don't know; that is, I don't know any instance. There may have been; I don't know.

Q. You, of course, never made any such change in the amount of issues used?—A. I don't think so.

Q. Well, I just wanted to give you a chance to put yourself right on that. Do you know whether or not the regulations of the department would permit the employees to use the gaslight at the White Earth Agency?—A. I don't know. You told me to look into that, and I did as you told me. I am merely answering questions, and I don't know what authority they had.

Q. I am requested by Mr. West, the chief clerk, to ask the witness this question: When and where did Mr. West tell you that he was using Government wood?—A. It was when I was looking over his cash accounts there in the office. We were checking the matters, and he wanted me to smooth things over a little bit for him, and so he was talking to me about the wood and coal there at that time, and I was looking over the cash accounts and checking them up for him.

Q. Do you recall who were present at that time?—A. Just he and I. He would not say that before any one else; of course, he was too wise.

Examined by Mr. HOWARD:

Q. Do you know that the 8 cords of wood that you mention, piled up behind my house at that time, was Government wood?—A. I was told it was Government wood. You didn't tell me that.

Q. Who told you that?—A. Mr. Goen told me and Mr. Dennis told me that you were using Government wood, and, if I am not mistaken, one of the men working in your barn told me you were using Government wood.

Q. Can you state who it was?—A. I can find out for you, I believe. I don't know who it was.

Q. No. For I can show by my bank checks.

Mr. GRAHAM. You don't have to convince him at all.

Q. Do you know the capacity of the coal bin in the cellar at the agency?—A. I helped dig that cellar.

Q. Do you know the size of the coal bin?—A. Well, it wouldn't hold 10 tons of coal, but you had a little house, don't you remember, right back of the house there, you know, on that side of the barn, and that was filled with coal.

Q. Back of the barn?—A. Yes; on that side of the barn. Wasn't that agency coal back there; it was in your yard?

Q. Yes; but wasn't it agency coal?—A. Why, it was school coal, I believe.

Q. Do you know the capacity of the bin at the doctor's house at that time?—A. I averaged it about 12 by 14. There must have been about 6 feet of coal in that bin. They were just at that time delivering coal all around these different places, and I presented a book to Mr. Linnen which showed the amount that had been delivered at each bin, and he calculated the amount of coal that these people were getting at that time.

Q. Do you know the amount of coal that was allowed at the agency for the agency?—A. Your records will show it.

Q. I am asking you the question—for the day school, for the doctor's office, and for the old folks' home. Do you know the amount that was allowed that year?—A. I don't know. There was quite a large amount, and Mr. Dennis told me that shortly after he wrote that letter, on October 23, explaining about the coal Mr. West tried to reduce the coal, and he stated in that letter that on account of the last winter being very mild we want a reduction in our supply of coal; but you didn't send that letter, I understand, so he must have had a lot of coal.

Q. In the winter of 1908–9 do you know how much coal was used at the agency?—A. I don't know. I was not asked to investigate. I can figure it up for you.

Q. Do you know?—A. I could figure it up for you.

Q. Do you know?—A. I don't know.

Q. Do you know how much coal was brought there for the winter of 1909–10 for the total use of the agency?—A. I have forgotten; I saw——

Q. Don't you know it was less than 40 tons, if you know anything, for the entire agency purpose—not the schools?—A. Oh, yes; just for agency purposes.

Q. Don't you know it was 36 tons?—A. I don't know whether it was 36 tons or 100 tons.

Q. Do you know that the coal that was in those bins at that time had been weighed?—A. Of course it must have been weighed.

Q. Do you know it was not paid afterwards?—A. No; I don't think you paid for your coal.

Q. This council paper that Mr. Hurr has testified to, the council on July 6, 1910—I don't think Mr. Hurr understands—do you remember that Judge Long and myself were there at a Fourth of July celebration that year?—A. Yes, sir.

Q. Do you remember that both Judge Long and myself went on the morning of July 5 to our homes, he to Detroit and I to White Earth?—A. I think so; yes.

Q. This council was held on July 6, was it not?—A. Well, it commenced about a week before that.

Q. The council was not held until July 6.—A. Well, the paper was not signed until July 6.

Q. It was held July 6. There was a celebration there of two days, wasn't there?—A. They celebrated about two weeks altogether.

Q. Now, these papers that you have testified to as being forwarded to me for my approval, and to be sent to Washington, they were returned to you, were they not?—A. You handed them to me.

Q. I returned them to you?—A. I don't admit that. You handed them to me.

Q. Do you know why there were returned?—A. I don't know.

Q. Wasn't it because signatures were in thumb marks and had not been witnessed?—A. I remember that. That was the reason.

Examined by Mr. BEAULIEU:

Q. Do you not know about a certain affidavit that was made by Mr. Edward Dennis, formerly the clerk at White Earth?—A. Edward Dennis?

Mr. GRAHAM. I wish you would make it plain so that there will not be any misunderstanding as to which Mr. Dennis it is.

A. Yes, sir; I think so.

Q. Can you recall what that affidavit contained?

Mr. GRAHAM. Just answer that—yes or no.

A. Yes, sir.

Q. Will you state what was in the affidavit?

Mr. GRAHAM. Why can not we have it?

A. Yes. The affidavit; it will be the best.

Q. I havn't the affidavit in my possession; I have heard of it.

Mr. GRAHAM. Where is it, Mr. Beaulieu?

Mr. BEAULIEU. I presume Mr. Linnen could tell you about it.

Mr. GRAHAM. Well, he may give his recollection about it, under those circumstances.

A. Well, there was something about it. I recall something about it. Mr. Dennis, among other things, stated that Mr. West, the chief clerk at White Earth, had been dealing in Indian lands, and that he had been interested also in the securing of fee-simple patents through parties at Mahnomen and Beaulieu, and I think at White Earth also; and that Mr. Howard, agent of the Indians at White Earth, had paid Mrs. W. G. West for her services as day-school teacher a few days in February and June, 1909, and that this Mrs. Gertrude West had never performed a day's service at that time, and that authorities were obtained from the Commissioner of Indian Affairs to purchase articles for use at the Government school at White Earth, but that the articles were purchased and appropriated by the agency employees. He also stated that W. G. West

was practically the agent of the White Earth Reservation. He also stated that Mr. West, some time in July, 1909, submitted a request for two days' leave of absence, February 26 and 27, 1909, for Mrs. Gertrude West, and stating that it was to make the records of John R. Howard technically correct.

Q. This Mrs. West, according to Mr. Dennis's affidavit, received pay for work she never did?—A. Yes, sir; the records will show.

Q. Did Mrs. West do any work prior to July 1, 1909, if you know?—A. Why I was told, and I made that report to Mr. Linne, that she had not performed any service whatever.

Q. She never was a teacher or connected with the school in any way until after the summer of 1909; is that not true?—A. Well, I don't know about that.

Q. Now, I forgot to ask you; what was the Government farmer's name at Ponsford?—A. Clifford M. Ellis.

Q. Do you know what his duties were?—A. No, sir.

Q. Have you ever seen him?—A. No, sir.

Q. Pretending to work around among the Indians?—A. No, sir.

Q. He has always remained around the schoolhouse at Ponsford?—A. Yes, sir.

Q. He is not connected with the school in any way, is he?—A. Why his family is there.

Q. Employed in that school?—A. No; they live at the school.

Q. Well, is he connected in any way; is he an employee?—A. No, sir; not that I know of.

Q. And his duties are to go around among the Indians and teach them how to do farming, isn't that so?—A. That is my understanding.

Q. Does he do that?—A. I have never seen him out working among the Indians.

Q. Do you know what his salary is?—A. Why I saw a check of his, and I believe he is getting about $100 a month.

Q. You saw a check; when was that?—A. Oh, that was some time during the winter.

Q. What year?—A. This winter.

Q. Do you know whether that check had any indorsement on it to show from what source the funds were being taken for his salary?—A. I looked at the check, but I have forgotten the amount. I saw the check, though.

Q. Do you know whether prior to recently he was getting his pay from the Chippewa of Minnesota fund or not?—A. Well, I don't know what funds he was getting his money from.

Q. Do you know whether they had a field matron out at Ponsford?—A. Yes, sir.

Q. Do you know what her salary is?—A. I think it is $60 a month.

Q. What are her duties?—A. According to the instructions that I saw it was her duty to visit the school, care for the old, and assist the nurses to do nursing, and so on, and in a general way to help the Indians by being among them.

Q. Did she ever do that, if you know?—A. Not to my knowledge.

Q. Now, did the Indians while you were at Pine Point do any farming?—A. Yes; some pretty good farmers over there.

Q. When were they good farmers?—A. Well, there is William Andrews; he has about 200 acres, and another man has about 160 acres.

Q. I asked you when?—A. Why every year.

Q. Did they have any farms last year?—A. Yes; those that I mentioned.

Q. Well, the Indians generally, do they have farms, all of them?—A. Yes; they all try to farm—that is, the older Indians, they try to farm. I know, of course, some of them have no horses, and I think it was in 1910 the agent had the ground ploughed for all of those, and he furnished seed and——

Q. That is, Agent Howard?—A. Yes, sir.

Q. Did he furnish them any seed, you say?—A. Yes; he gave them some seed.

Q. Did they plant it?—A. Yes, sir.

Q. And did they have good farms last year?—A. Well, the crop failed.

Q. What was the reason of the failure of the crops, if you know?—A. Well, neglect; drouth and neglect.

Q. Well, do you know the reason of the neglect?—A. Well, one reason of the neglect is, you see, the Indians were dancing there all the time. Of course they would rather dance than hoe corn and potatoes, and of course naturally the gardens grow up into weeds.

Q. They held councils, did they not?—A. Well, there were frequent councils and dances during 1910.

Q. Didn't those councils interfere with their work?—A. Yes, sir; I think so.

Q. Who called the councils, usually?—A. Well, the Indians. The Indians themselves.

Q. Were any of the officials in attendance at these councils?—A. Oh, occasionally they would be there and attend the council.

Q. Didn't Maj. Howard and Mr. Long not frequently go up to Ponsford to attend the Indian councils there?—A. Why, yes; they were there frequently and talked to the Indians.

Mr. GRAHAM. Is Ponsford on the White Earth Reservation?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Where is it from Pine Point?

The WITNESS. It is just across the line. It is south of Pine Point.

Q. Did you attend one of these councils when Mr. Long advised the Indians——A. I was there, and I heard him talking with the Indians. I didn't remain very long.

Mr. GRAHAM. You will have to get through with this witness today.

Mr. BEAULIEU. I will try to get through with him.

Mr. GRAHAM. You will have to. I think the time taken is out of all proportion to the information he has given us.

Mr. BEAULIEU. I don't think I will take as long as Mr. Burch did putting in his evidence. I expected to get through by next Wednesday.

Mr. GRAHAM. Well, if you do that, Mr. Beaulieu, you can keep him all the time until Wednesday.

Mr. BEAULIEU. Well, I think I will put others on.

Mr. GRAHAM. But, really, we are making very slow progress today.

Q. Did he not read old treaties and tell the Indians there that the Government was not fulfilling its terms, and stirring up the councils generally on that question?—A. Why, yes. The Indians were rather stirred up on account of these visits from these officials.

Q. Did these officials have frequent visits there?—A. Yes; they came there quite frequently.

Examined by Mr. DENNIS:

Q. You referred, Mr. Hurr, to the time when Mr. Moorhead and Mr. Linnen were up there, that it was your duty to pay the Indians?—A. Yes, sir.

Q. Were the Indians that came over there, who testified as to being full bloods or mixed bloods, paid for coming?—A. Why, the witnesses were paid. Those who testified were paid. If a witness came and spent a day in testifying, the witness that was being used as a witness, he was paid so much.

Q. Each Indian that came over was used as a witness, was he not?—A. No. The majority of them merely came to testify.

Q. For themselves?—A. For themselves.

Q. And they didn't get any pay?—A. No; they didn't get any pay.

Q. Those that were paid, do you know what funds they were paid from?—A. They were paid from a general—from a special fund—credited to Mr. Morehead. Mr. Morehead was the disbursing agent.

Q. Not out of the Chippewa funds?—A. I think not.

Mr. LINNEN. Just a moment, Mr. Chairman. At this time it is proper for me to make a little statement. First, with relation to the affidavit that has been spoken about of Mr. Edward Dennis. It is true that he made an affidavit before me, the contents of which I do not now remember fully. Some of the things might have been correctly stated by Mr. Hurr. That affidavit was transmitted to the department at Washington with my report, and is not here because of the fact that only such affidavits and evidence have been transmitted as have been requested by the Department of Justice.

Mr. GRAHAM. The committee feels that, first or last, we should have that affidavit.

Mr. LINNEN. I will be glad to request it then. Now, mention has also been made with relation to two employees on the reservation who had purchased Indian property. In justice to those gentlemen, and in order that no wrong may be done them by any report of mine nor any which may go into this record, I desire to state the facts and circumstances connected with those transfers.

Mr. GRAHAM. Well, I will ask you to do that some other time.

Mr. LINNEN. Well, it won't take three minutes.

Mr. GRAHAM. Well, you may have three minutes.

Mr. LINNEN. It is simply this: A report had been made to me that Mr. Walter G. West and Mr. Charles Eggers had dealt in Indian lands. I made inquiry about it and discovered that Mr. West had purchased a piece of land from a gentleman named Carl Schall, a white man, who had formerly purchased this land from an Indian, and he had subsequently transferred the title of that land. He had not purchased or dealt directly with an Indian. He had bought lands which had been formerly purchased from an Indian by a white man.

Mr. GRAHAM. Was there any understanding between him and the white man that the white man should act as a go-between for him and the Indian?

Mr. LINNEN. None whatever.

Mr. GRAHAM. I think Mr. West should tell us about that before we get through, but not now.

Mr. LINNEN. But with relation to Mr. Eggers.

Mr. BEAULIEU. Mr. Chairman, we want to put in our case, and then he can bring that in later.

Mr. GRAHAM. I sympathize with your claim, Mr. Beaulieu. I think your objection is well founded. I think you will have to wait, Mr. Linnen.

JAMES MCINTOSH, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. James McIntosh.

Q. Where do you live?—A. Mahnomen.

Q. What is your business?—A. I run a billiard hall there.

Q. How old are you?—A. Twenty-four.

Q. Have you any Indian blood in you?—A. Well, I had before I was taken off the rolls.

Q. What business have you been in all of that time?—A. Pool and billiards.

Q. The same business you are still in?—A. Yes, sir.

Q. Anything else in connection with it?—A. Well, I was in the saloon business there.

Q. How does it happen there are saloons within an Indian reservation? Have you a local license there in Mahnomen?—A. Yes, sir.

Q. What is the license?—A. $1,000.

Q. Do you own any real estate on the reservation?—A. I own a little building there at Mahnomen.

Mr. GEORGE. I would like to ask about the kind of license he had.

The WITNESS. Why, I guess it was a town license. They issue the license in the town.

Q. Well, it would be a State license issued by authority of the city council, I suppose?—A. Well, that might be.

Examined by Mr. BEAULIEU:

Q. You are one of the persons who received notice recently that unless you could show that you were an Indian you would be stricken from the rolls?—A. Yes, sir.

Q. They have only suspended you, so far?—A. Yes, sir.

Q. Where were you born?—A. In the town of McIntosh.

Q. Where have you lived since your birth?—A. I have lived at Beaulieu.

Q. Beaulieu is on the White Earth Reservation?—A. Yes, sir.

Q. Have you had an allotment on the reservation?—A. Yes, sir.

Q. You are related to the Beaulieu family, are you not?—A. I understand that I am; I guess I am.

Q. And it is just the Beaulieu and Fairbanks families that have been suspended from the rolls?—A. I guess that is all.

Q. When did you receive that notice of suspension?—A. I don't exactly remember when I received it.

Q. But was that notice not the result of the present troubles?—A. I think it was.

Q. Now, do you recall when Mr. Linnen and Mr. Morehead were at Beaulieu investigating White Earth matters in 1909?—A. Yes, sir.

Q. Can you recall who was with them, if anyone, besides their force?—A. There was an Indian police with them.

Q. Was there not a man from the East with them?—A. I believe there was; I don't remember.

Q. Can you recall some arguments that you had with some one up there regarding Mr. Richardson's employment?—A. Yes, sir.

Q. Will you just state what that was?—A. Why, the way it came about, they were inside there giving a little lecture to the Indians against Mr. Richardson, and they told them that if it should come to a vote to vote for a man named Allen; that he would work for their interests a little more than Richardson would, and they thought it would be to their benefit for them to work for Allen in case it should come to a vote. But in the meantime a young fellow by the name of Dan Sullivan was on the platform there; he was drinking, and I guess he raised a little disturbance and they ordered him out; told the policeman to take him out, I guess. The police told him to go home, and I told the young fellow, I says, "I guess you better get off the school grounds here; get out on the main road there and then you can stand them off if you want to." And he comes out there on the main road, and I don't remember which one it was exactly—it was either Linnen or Morehead—came out there, and we had a little argument; I can not explain what it was, and I told him he was sent there to investigate and not to electioneer against Richardson.

Q. Who was the man that advised the Indians not to vote for Mr. Richardson and to vote for Mr. Allen?—A. Both Mr. Linnen and Mr. Moorhead got up and made a speech there.

Q. And do you know whether any money was paid to anyone for electioneering work? Did you hear whether any money was paid out?

Mr. GRAHAM. By whom?

Mr. BEAULIEU. Well, I will ask him by whom as soon as he has answered.

Mr. GRAHAM. All right.

A. I think there was some money paid out.

Q. Do you know who paid it out?—A. Well, they were giving squaw dances there, you know, and in the squaw dances they would give these Indians from 25 cents to $10 to dance with them; it depends upon how much influence they thought the Indian had with the tribe.

Q. Who gave the money?—A. Both Linnen and Morehead.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Mr. Linnen, are you inclined to ask him any questions?

Mr. LINNEN. Yes, sir, please.

Examined by Mr. LINNEN:

Q. When was that, Mr. McIntosh, that you now mentioned?—A. Why, I think I heard you on the stand here explaining a little argument, and you referred to John Carl being there, and he was not there.

Mr. GRAHAM. That is not the question.

(Question read.)

A. Why, it was the latter part of August or first of September, along in there, I don't exactly remember.

Q. What time of day was it?—A. It was in the night—the evening.

Q. What was going on there?—A. They were giving squaw dances.

Q. And during this squaw dance this talk occurred, did it?—A. Why, the speech that you fellows made; yes.

Q. Where was this?—A. In the schoolroom at Beaulieu.

Q. You say there was a squaw dance going on there?—A. Yes, sir.

Q. Did you ever see me give any money to Indians?—A. Why, I think I did.

Q. When, and to whom, and how much?—A. Why, I was standing about as far as from here to the end of the room when you gave the money over.

Q. What for, and to whom?—A. Why it is usual, a custom among the Indians, to give something to dance with them, I suppose.

Q. That was to influence their vote, was it?—A. Why, I am pretty sure it was.

Q. Who was it the money was paid to, and how much?—A. I don't know how much, and I can not recall who it was, but it was quite a number of the Indians there.

Q. Name one?—A. I can not name any.

Q. Name the amount?—A. From 25 cents to $10 was paid out between the two of you. I don't know which one it was, exactly.

Q. Did you ever see me give $10 to anybody? If so, to whom and when?—A. I answered that question.

Q. No, you didn't.—A. Well pretty near the same thing.

Mr. GRAHAM. If you can give any other answer than you have given, do so. If you can not, say so.

A. I think I have answered it so far as I could.

Q. Did you bring some whisky over there that night when you came?—A. No, sir; I did not.

Q. Who was with you?—A. Why, John Sullivan was there, and Robert Beaulieu and Charley Roy, I guess that was all.

Q. They are all half breeds, are they not?—A. Yes, sir.

Q. They were from Mahnomen. Who was Bob Beaulieu? Was he running a saloon at that time?—A. Why, if the saloons were running at Mahnomen, he was.

Q. Yes. Well, they were running. Did he bring any whisky there?—A. He might have, I don't know.

Q. Did Dan Sullivan bring any whisky there?—A. He might have, I don't know.

Q. Did the other man, Roy?—A. He might have.

Q. What was your purpose in coming there and bringing whisky to these Indians?—A. I didn't fetch any whisky to these Indians.

Q. And these other gentlemen, what was their purpose?—A. I don't know as they brought any over.

Q. You brought in whisky there and tried to create a disturbance; you and the gentlemen who were with you.—A. I didn't fetch any whisky there, I told you.

Q. I am telling you about the gentlemen that was with you.—A. You said, I.

Mr. BEAULIEU. He has testified that he brought no whisky.

Mr. GRAHAM. Yes; but we can have the testimony without quite so much heat and personal feeling.

Q. What was your purpose in coming over there?—A. Why, I had no purpose at all. I simply went out there to watch the squaw dances, not intending to get into any argument of mix-up whatever.

Q. But you say you heard me making a speech to the Indians.—A. Yes, sir.

Q. And Mr. Moorehead made a speech to the Indians?—A. Yes, sir.

Q. And that speech was, in effect, to vote for Mr. Allen, was it?—A. Yes, sir.

Examined by Mr. BEAULIEU:

Q. Did you see either Mr. Morehead or Mr. Linnen dance at that squaw dance?—A. Yes, sir.

Q. You saw Mr. Linnen get up and dance with one of those squaws, did you not?—A. Sometimes they dance with men, too, you know.

Mr. GRAHAM. You did not answer the question.

A. Yes, sir; he danced with an Indian. I can't remember whether it was with a squaw.

Q. Well, he took part in the dance?—A. Yes, sir.

Mr. BEAULIEU. That is all.

Examined by Mr. GRAHAM:

Q. Did you see any of the Indians give him anything?—A. I think they gave him beadwork.

Q. As we have been told about it, it is the custom at these dances for partners to exchange presents?—A. I guess it is.

Q. I suppose from what you say, if beadwork was given him, it would be the proper thing for him to give something to the person who gave him the beadwork. How about that?—A. I guess that would be right.

Q. Is that what you mean by the giving which you say you saw him do?—A. Yes, sir.

Q. On those occasions who makes the first gift, the Indian or the white person?—A. Why, I don't know as there is any difference made.

Q. The custom doesn't extend that far?—A. No, sir.

Q. But is it, as you understand it, a fixed custom that when one person gives another a gift that other person ought to make a return gift?—A. Sometimes they don't.

Q. If they don't, what difference does it make?—A. None whatever.

Q. Does the person suffer any because he does not return the gift?—A. I don't think so.

Q. Does he get in bad standing; is he liable to be talked about as stingy or anything of that sort? I merely want to get at the custom.—A. I don't think so. I don't know.

Mr. LINNEN. The Bob Beaulieu referred to is a brother of Gus Beaulieu, is he not?

The WITNESS. No, sir.

Mr. LINNEN. What relative is he?

The WITNESS. Why, I guess they are cousins. I don't know.

Mr. BEAULIEU. He is the son of a cousin of Gus Beaulieu.

The WITNESS. That might be.

Mr. LINNEN. Is he not the man whose saloon was raided and who was arrested and put in jail for selling liquor unlawfully on the reservation?—A. Yes, sir.

Mr. BEAULIEU. With a large number of other saloon keepers?

The WITNESS. There was quite a lot of others.

Mr. BEAULIEU. Were they not all paying county licenses at the time their saloons were raided?

The WITNESS. County and State licenses.

Mr. BEAULIEU. Rather, State and village licenses.

The WITNESS. Yes, sir.

Mr. BEAULIEU. That was upon an order of the Indian Office, was it not?

The WITNESS. Yes, sir.

Mr. BEAULIEU. Do you know whether the courts have since decided that they can operate saloons within that country?

Mr. GRAHAM. Oh, I hardly think you should ask him that. I would rather have your own judgment than his about a legal question, so far as I am concerned. Mr. Dennis, would you state what the law is on this point?

Mr. DENNIS. I don't know that I am sufficiently familiar with it to make a statement accurately.

Mr. GRAHAM. The substance of it is, it appears, that the courts have held that a saloon may be lawfully run within the Indian reservation.

Mr. BEAULIEU. The courts have held that it is lawful to operate saloons within the territory ceeded by the Chippewas under the treaty of 1855. The Indian Office took the position prior to that time that saloons could not be operated within that territory, but Judge Willard decided against it, and the case has been filed, and is, I guess, on its way to the Supreme Court now.

Mr. GRAHAM. Well, in any event, the witness and the others whom you mention who were keeping dramshops at Mahnomen, did not think that they were violating any law, because they paid their licenses and the licenses were accepted; and if the law they were acting under turned out not to be valid, that was not their fault. So that it could not be said that they thought they were selling liquor lawfully. I don't think that raises any difficulty.

Mr. LINNEN. Mr. Chairman, there is no law that I know of, permitting a saloon within the boundaries of the reservation.

Mr. GRAHAM. I don't know of any myself, but the facts here appear to be that these men paid $1,000 license to somebody. From their point of view that probably justified them in running a saloon.

Mr. DENNIS. I would like also to say, Mr. Chairman, that the attorney general of the State of Minnesota, in a written opinion, advised these gentlemen that they could operate saloons, and that they were acting under that written opinion.

Mr. GRAHAM. Very well. There are some conflicting questions connected with it that we can not solve here, and the only point is that I think the witness and those like him are fairly absolved from any open intent to violate the law so long as they parted with their $1,000 license money.

Mr. BEAULIEU. I want to say this: That I have never been addicted to the use of liquor.

Mr. GRAHAM. So you stated, Mr. Beaulieu, in Minneapolis, and it is in the record that you never drank any liquor in your life. Nobody has contradicted it; so that stands.

Mr. BEAULIEU. There was a paper submitted, which is also in the record, stating that I was a man of drinking and dissolute habits.

Mr. GRAHAM. What paper is that?

Mr. BEAULIEU. Submitted by the Government, I believe.

Mr. GRAHAM. I don't recall it. If there is such a paper in the record, the committee will hear from you, if you want to offer additional proof.

Mr. BEAULIEU. Mr. O'Brien offered it, and I was under the impression that it was put into the record.

Mr. GRAHAM. I don't recall it; but if it is in the record and you care to offer additional proof, you may do so.

Mr. BEAULIEU. Well, I am not positive now that it was put in, but it is my impression at this time that he offered it.

Mr. GRAHAM. Well, satisfy yourself about it and take your own course.

Mr. BEAULIEU (to witness). How long have you known Gus H. Beaulieu?

The WITNESS. Ever since I can remember.

Mr. BEAULIEU. Did you ever see him under the influence of intoxicants?

The WITNESS. No, sir.

Mr. BEAULIEU. Did you ever see him take a drink of liquor of any kind?

The WITNESS. No, sir.

Mr. BEAULIEU. What is his reputation in regard to sobriety, generally, among the people who know him?

The WITNESS. Why, I think he was always a kind of a temperance man.

Mr. BEAULIEU. That is all.

Mr. LINNEN. I still desire, Mr. Chairman, to put into the record a denial that I have ever at any time or at any place made any speech to any person in favor of or requesting a vote for Mr. Allen.

Mr. GRAHAM. Mr. Linnen, I wish you would make a note of those things. I think Mr. Beaulieu's point is well taken, and that you have not the right, when each witness gives his testimony, to follow him and offer your contradictory evidence then and there. I think you ought to wait, as Mr. Beaulieu has done, generally, until his witnesses are through, and then make your statement as to each of them.

Mr. LINNEN. I will be very glad to.

Mr. GRAHAM. It is the more regular and the better way. You understand that that does not in any way interfere with your right to examine or cross-examine witnesses?

Mr. LINNEN. Yes ,sir.

A. J. McINTOSH, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. My name is McIntosh.

Q. What is your first name?—A. A. J. McIntosh.

Q. Are you related to the young man who has just left the witness stand?—A. His father.

Q. Where do you live?—A. Beaulieu.

Q. How long have you lived at Beaulieu?—A. I have lived on the White Earth Reservation about 32 years.

Q. What has your business been during that time, or the most of it?—A. Part of that time blacksmithing, and time keeper, and so on.

Q. What is your business now?—A. We are keeping a stopping place, a hotel, as we think.

Q. Hotel, a tavern?—A. Well, not exactly; we haven't got the liquors.

Q. Is liquor a necessary part of a tavern?—A. That is what they say in connection with what they call a tavern.

Mr. GEORGE. Don't they call it an inn?

The WITNESS. Some of them does.

Examined by Mr. BEAULIEU:

Q. Were you employed as a timber estimator for the Government?—A. Yes, sir.

Q. Estimating Chippewa timber?—A. Yes, sir.

Q. And under whose administration were you employed?—A. Simon Michelet—or do you mean whose administration?

Q. Well, under whose administration?—A. Well, under Roosevelt, is it not?

Q. Yes. Were you not employed in estimating Chippewa tribal timber prior to the time you were employed under Roosevelt?

Mr. GRAHAM. Did you work for the Government before the Roosevelt administration estimating timber?

The WITNESS. Yes, sir; I think I did, if I remember right; yes, sir. Who was President before Roosevelt?

Mr. GRAHAM. McKinley.

The WITNESS. That is right.

Q. Did you not work under Walter Hayden?—A. Yes, sir.

Q. You estimated Chippewa timber, did you not—Walter Hayden was working under the Chippewa commissioner, Baldwin?—A. Yes, sir.

Q. That was after the Douglas corps?—A. After the Douglas corps.

Q. And also after the Otis Staples corps had been there?—A. After that.

Q. Did you go over any of the work done by the Otis Staples corps?—A. We went over some of it.

Q. You did the same work exactly that the Otis Staples corps did?—A. Yes, sir; as far as we went.

Q. How long were you occupied in doing that work?—A. We were in three months.

Q. Were you paid by the day or the month?—A. We were paid by the day.

Q. How much did you receive a day?—A. $6.

Q. Were you allowed expenses also?—A. No; we were not allowed any expenses, but we got the $6 on Sunday and all; the Sunday covered the expense.

Q. How large a force was there?—A. At that time there were 12 in that corps.

Q. Do you know how large a force Douglas had?—A. Douglas was after Staples, wasn't he?

Q. Just prior to them.—A. Well, I should judge they had about 36 in that corps.

Q. Did they receive $6 a day?—A. $6 a day and the man in charge, I understand, had $10. I never knew that to be a fact, but certainly he had $6.

Q. Do you know how many the Otis Staples corps had?—A. I understand it was somewhere in the neighborhood of 34.

Q. How much did they receive a day?—A. $6 a day.

Q. How long was the Staples crew employed?—A. I should judge they were employed about two years; to the best of my recollection. they certainly put in two years at it.

Q. 36 all of the time?—A. 34 all of the time, and I think the last party had 36 and the other 34, if my recollection is correct.

Q. Was any use whatever made of the Otis Staples corps estimate—did the Government sell the timber under that estimate?—A. Well, let me see, there certainly was timber bought on that estimate of the Staples corps, the Red Lake pine.

Q. Was not the Red Lake pine sold under the estimates of the Douglas corps?—A. Of course, they went over it again and it was sold under the Douglas estimate.

Q. For two years, then, they had 34 men estimating pine timber, at $6 a day?—A. Yes, sir.

Q. And there was no sale of the timber——A. There was no sale of the timber under the Staples estimate.

Q. And that amount of money which was paid to them was wasted entirely?—A. Well, it was just thrown to the winds, as it were. I do not know where there was any benefit derived from it, because it had to be reestimated by another corps.

Q. When the Douglas corps came in, how long did they work?—A. The Douglas corps worked probably three years.

Q. And they received $6 a day?—A. $6 a day.

Q. And what was the result of their work?—A. The results of their work—there was a sale after that of the Red Lake pine, as I understand it, at the time.

Q. And was the pine sold at a very much less price than the agreement of 1889 fixed it?—A. Well, on account of the way it was estimated, of course, it was undersold; as I understood it, the Red Lake pine fetched about 60 cents a thousand when it was not to be less than $3. It was held up after the sale, after they had found out the situation, but for some reason they overcame that and it went anyway.

Q. Was it not generally known upon the reservation that Commissioner Brownlee or Secretary Francis refused to approve the sale?—A. They refused to approve the sale for a time.

Q. Did not Secretary Bliss come in afterwards?—A. He came in afterwards.

Q. How long after he came in was the sale approved, if approved at all?—A. Well, the sale was approved after he had come in, but I do not recall as to the time; I would not think it was very long.

Q. But as a result of the estimates, or the sale under the Douglas corps estimates and the approval of Secretary Bliss of the sale, did not the Chippewa Indians lose a large amount of money?—A. Well, [illegible] talked through the country, and it was a general talk through

all the newspapers, that it was the greatest sale that was ever known in the country, the way that pine was disposed of. It was supposed, when this commission was making the treaty, there was to be several millions of dollars'—as much as fifty millions—worth of pine in Minnesota belonging to the Chippewas of Minnesota, but when they got through with the sale they did not realize only about one-fifth of that.

Q. Do you know what steps the members of the tribe of the White Earth Reservation took against the approval of the sale?—A. Well, I could hear all kinds of talk of them swearing out an injunction on the sale.

Q. And they took active steps, did they not?—A. Well, they made the attempt, anyway.

Q. To prevent the approval of the sale?—A. They did all they could, as soon as they could understand, to have the sale annulled.

Q. Did not Commissioner Baldwin assist them against the approval of that sale?—A. He made such a roar about it that finally they let him send out a corps.

Q. Oh, on account of the protest that he made the corps was established with which you were connected?—A. Yes, sir.

Q. How long did that corps work?—A. We worked three months.

Mr. GRAHAM. Who was the leader of that corps?

The WITNESS. Well, that was Baldwin.

Mr. GRAHAM. There was the Staples corps and the Douglas corps, and this would be the Baldwin corps?

The WITNESS. Yes.

Mr. GEORGE. How many were in that corps?

The WITNESS. Well, 12 I think, if I can recollect; 12 besides Hayden. He was our chief, as it were, out in the field. There were 4 of the crew, but we were all separated; three different parties.

Mr. GRAHAM. Into squads?

The WITNESS. Four in a squad, and he was back and forth between us, and we worked about three months.

Q. Was not the Hayden corps composed of men who had had a large experience in the woods?—A. They were all first class. I was the poorest amongst them in my way of thinking.

Q. But did not they estimate it fairly in your opinion?—A. To the best of their ability, as far as I could tell, they were all there on their good merits, to do justice between both parties.

Mr. BEAULIEU. I think I would like to keep Mr. McIntosh over here; of course, I want to consult him. This is a matter which involves a large amount of money, probably three or four hundred thousand dollars, and it will show how the Government has wasted it during the last 12 or 15 years. I have not consulted with Mr. McIntosh about this matter. I have not seen him for a long time.

The WITNESS. I have not seen Mr. Beaulieu for six months, I guess.

Q. Do you know how much timber you found on Leech Lake Reservation, if you worked there?—A. We worked on the Leech Lake Reservation; of course, we did not go over all the reservation. We were called off before—there was a change of administration, and we were called in. We were called off bodily; and then, of course, we had to quit and did not finish it all. We probably estimated about five hundred millions at the Leech Lake Reservation.

Q. You estimated 500,000,000?—A. Yes: I should judge now from recollection.

Q. How much timber was there, in your opinion, that formed Leech Lake, Cass Lake, Winnebegoshish, and White Oak Pine Reservations?—A. Well, I would say at a guess there were a billion feet.

Q. Do you know how much has been cut under the present operations, known as the Morris Act?—A. Well, I can not say.

Q. Do you know anything about the method they are using up there now to locate timber?—A. Well, they are buying so much and then they are manufacturing it; they have to cut it, and so on.

Q. Do they use what they call the bank scale for measuring?—A. Well, that is what I understand.

Q. Have you heard any complaint about the bank scale as they are using it now?—A. I know that it is not entirely satisfactory. I have heard of them shipping trainloads of lumber out of there and no account is made of it.

Q. You have heard of trainloads of lumber—trainloads of lumber leaving the reservation and taken away and no account made at all of it?—A. I have heard of that.

Mr. GRAHAM. I wish you would specify about this, something about when and where.

Mr. BEAULIEU. My witness has come on here without my talking with him at all.

Mr. GRAHAM. Now, if you desire it, we will quit any time you wish and then you may have a chance to confer with him and present his evidence in better shape and we may save time by doing that.

Mr. BEAULIEU. Well, I was trying to expedite this matter, and for that reason I called him here without consulting him. I think I should consult him.

Mr. GRAHAM. Well, is it your desire that we adjourn now?

Mr. BEAULIEU. If you please; yes.

Mr. GRAHAM. Monday next is the one hundred and fourth anniversary of the birth of one of the very greatest of Americans, one of the very greatest of men, for that matter; so great a man that the Federal Government and many of the States have declared the anniversary of his birth to be a holiday. The committee shares the feeling of affection and respect that the American people have for Abraham Lincoln and we will not hold any session on Monday. We will now adjourn until 9 o'clock Tuesday morning. This will give the attorneys an opportunity to confer with Mr. McIntosh and with their other witnesses and be ready to present the case promptly.

Adjourned until 9 o'clock Tuesday morning.

X

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk*.

WHITE EARTH RESERVATION.

TUESDAY, FEBRUARY 13, 1910.

A. J. McINTOSH recalled.

Examined by Mr. BEAULIEU:

Q. Do you remember anything about the Crookston Chippewa pine and timber sale?—A. Do you mean on the reservation at Leech Lake?

Q. Well, the Chippewa sale at Crookston; the original sale?—A. Yes, sir.

Q. Do you know when that sale took place?—A. I can't remember the day.

Q. I mean the year. Did this take place about 1896? I mean the first sale.—A. That is correct; yes.

Q. Do you know whether that sale was approved or not?—A. That is the sale that was not approved.

Q. Was not approved?—A. Not approved. Oh, it was approved; yes, yes.

Q. Do you know when it was approved?—A. Well, it was approved, of course, after an investigation through another Secretary of the Interior at the time that the sale went through. Of course, it was all right, but still it was held up.

Q. Under whose administration was this investigation made; which Secretary, if you know?—A. The Secretary that approved of this sale was Bliss, and the one that held it up was Secretary Francis, in my recollection.

Q. Did Francis refuse to approve the sale?—A. He refused to approve the last sale.

Q. Now, I wish you would state why he refused to approve the sale, if you know.—A. Well, I know, but I don't know whether I can explain it or not. The estimates on the different tracts of land were so unreasonable—the experts' estimates—that Francis discovered that the land that had several hundred thousand feet, we will say, was classified at only about 10,000 feet, and so on, so as to make what is called agricultural land, which is only $1.25 per acre.

Mr. GRAHAM. You mean, then, Mr. McIntosh, that the estimates were unreasonably low?

A. Well, in order to fool the people.

Q. Do you know whether that appraisement was on account of incompetency on the part of the appraisers or was it because they were in collusion with the lumbermen?—A. The way it worked out, there was nobody could get a position there unless he was prepared to do what the officials wanted; that is, upon the range.

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk*.

WHITE EARTH RESERVATION.

TUESDAY, FEBRUARY 13, 1910.

A. J. McINTOSH recalled.

Examined by Mr. BEAULIEU:

Q. Do you remember anything about the Crookston Chippewa pine and timber sale?—A. Do you mean on the reservation at Leech Lake?

Q. Well, the Chippewa sale at Crookston; the original sale?—A. Yes, sir.

Q. Do you know when that sale took place?—A. I can't remember the day.

Q. I mean the year. Did this take place about 1896? I mean the first sale.—A. That is correct; yes.

Q. Do you know whether that sale was approved or not?—A. That is the sale that was not approved.

Q. Was not approved?—A. Not approved. Oh, it was approved; yes, yes.

Q. Do you know when it was approved?—A. Well, it was approved, of course, after an investigation through another Secretary of the Interior at the time that the sale went through. Of course, it was all right, but still it was held up.

Q. Under whose administration was this investigation made; which Secretary, if you know?—A. The Secretary that approved of this sale was Bliss, and the one that held it up was Secretary Francis, in my recollection.

Q. Did Francis refuse to approve the sale?—A. He refused to approve the last sale.

Q. Now, I wish you would state why he refused to approve the sale, if you know.—A. Well, I know, but I don't know whether I can explain it or not. The estimates on the different tracts of land were so unreasonable—the experts' estimates—that Francis discovered that the land that had several hundred thousand feet, we will say, was classified at only about 10,000 feet, and so on, so as to make what is called agricultural land, which is only $1.25 per acre.

Mr. GRAHAM. You mean, then, Mr. McIntosh, that the estimates were unreasonably low?

A. Well, in order to fool the people.

Q. Do you know whether that appraisement was on account of incompetency on the part of the appraisers or was it because they were in collusion with the lumbermen?—A. The way it worked out, there was nobody could get a position there unless he was prepared to do what the officials wanted; that is, upon the range.

Q. Now, there were two corps, were there not?—A. There were two corps.

Q. Do you not refer to the first corps, that they could not get——A. I am talking now about the Staples corps; that was the first corps.

Q. But the Douglas corps, you never heard made any such arrangements; they were simply incompetent, were they not?—A. The way I understand it, they were incompetent and they received their appointment through a certain Secretary, and they were brought from the South—one or two from the North.

Q. How about the Otis Staples corps?—A. They were scientific.

Q. They were good men?—A. They were good men to a fault; at the same time they had to do business for a certain gang, as it were; the world knows that.

Q. Now, it was the general impression throughout the State that the Staples corps underestimated the timber very much?—A. Not the Staples corps alone; everybody knows that.

Q. What you heard talked?—A. Yes.

Q. The Douglas corps came in and got it increased, do you know?—A. Certainly, they made it larger.

Q. And yet their estimates were too low?—A. They were beneath consideration.

Q. Did you ever hear or did you know that Otis Staples bid in some of the timber that they estimated?—A. That was rumored. Otis Staples; of course, he is now at the head of the commission that handles the railroad question here in the different States.

Q. No; not that Staples.—A. No; I thought it was.

Q. After the sale took place at Crookston, was there a protest made, if you know, against the sale?—A. There was a protest made; yes, sir.

Q. Do you know who made it?—A. I believe it was—I don't believe, but I know; I know it was——

Q. Baldwin?—A. Commissioner Baldwin, that is the man.

Q. What was the result of that protest?—A. Well, on account of his great kicking, you know; finding fault; they allowed him to employ another corps. He was a Member of Congress—Baldwin.

Q. Not at that time?—A. Well, not at that time, but he was the next time.

Q. Was he not a Chippewa commissioner at that time?—A. He was a Chippewa commissioner at that time.

Mr. BEAULIEU. I will have to ask Mr. McIntosh leading questions in order to remind him.

Mr. GRAHAM. You may do so until you get started and he gets warmed up.

Q. Did not Commisioner Baldwin secure the appointment of a new corps, known as the Hayden corps?—A. Yes, sir; that was done.

Q. Now, while you were checking up this scale, was there not a change in the administration; President McKinley came in and appointed a new Secretary of the Interior?—A. Yes, sir.

Q. And did not that Secretary of the Interior disband, or, rather, dismiss, or let out the Hayden corps?—A. He let out the Hayden corps.

Mr. GRAHAM. Who was that Secretary?

The WITNESS. Bliss, that came in; before that it was Francis.

Mr. GRAHAM. David Francis, of St. Louis?

The WITNESS. Yes, sir.

Q. I want to show that Mr. Francis refused to approve that sale. After he dismissed, or let out, the Hayden corps, did the Secretary approve the sale?—A. You mean the Crookston sale?

Q. Yes.—A. Yes, he approved that.

Q. But do you know what the result was with the Indians? Do you know if they lost a large amount of money on the sale, which they should have saved?—A. In my way of thinking, the loss was immense.

Mr. GRAHAM. Let me question him there a moment, Mr. Beaulieu, if you please. Where was the pine land that was sold at that sale?

The WITNESS. The pine land was situated on the White Earth Reservation.

Mr. GRAHAM. Was that the four townships, or was it on the reservation?

The WITNESS. On the four towns; they were disposed of in the first place. Is not that right?

Mr. BEAULIEU. Well, you are testifying; do you know?

Mr. GRAHAM. Well, what land was it that they sold at this Crookston sale?

The WITNESS. It was all that land outside of the four towns connected with the White Earth Reservation. You can see right here how it was marked, except four towns.

Mr. GRAHAM. Which are not now in the reservation?

The WITNESS. Not now in the reservation.

Mr. GRAHAM. How long did that sale last?

The WITNESS. I would judge—I think the result was known in a week.

Mr. GRAHAM. You didn't get my question. How many days did the sale itself continue?

The WITNESS. Well, I can't remember; until they disposed of the whole business.

Mr. GRAHAM. Now, as I understand you, that sale was made on the estimates of the Staples gang, and that estimate was absurdly low?

The WITNESS. That is right.

Mr. GRAHAM. Well, now, could you give any estimate yourself as to how much it was too low? Did they estimate it by half its value or one-third its value or one-fourth its value or, in your judgment, what was the proportion of their estimate to its real value?

The WITNESS. I can explain that to you in a way.

Mr. GRAHAM. Well, do it your own way.

The WITNESS. Now, supposing here are 160 acres of land in that corner of that table in front of you. That will contain 2,000,000 feet, we will say. That is all right; that is 2,000,000 feet. The next piece might have a little more, or such a matter, not 1,000,000, but 100,000 feet. They squabbled it up in a way so that what resulted—they had individuals to buy and they deceived the public, you know. One piece of land would have 100,000 feet of lumber on 40 acres, we will say, and another piece would have a great deal more, but still didn't show as much as the 100,000 at that; that is what I mean.

Mr. BEAULIEU. In other words, a tract of land with 1,000,000 feet of timber would show very much less than a tract that had 100,000 feet?

The WITNESS. That is it. It went down as agricultural land; anything that was not supposed to contain that amount of timber went down as agricultural land.

Mr. GRAHAM. What was the minimum—that is, what was the smallest amount of timber on a 40-acre piece that would make it timberland?

The WITNESS. Yes, I understand. In order to be agricultural land it had to contain less than 500,000 feet, and if it was more than that it was something else.

Mr. BEAULIEU. Mr. Chairman, I think we will have to excuse Mr. McIntosh this morning.

Mr. GRAHAM. Have you some other witnesses?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Very well, Mr. McIntosh, you may be excused. We will expect you to be all right to go on the stand this afternoon.

Rev. ROMAN HOMAR, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your full name, Father?—A. Rev. Roman Homar.

Q. Where do you live?—A. I am stationed for the last seven years at Beaulieu, on White Earth Reservation, north of the agency 20 miles.

Q. You are a Catholic priest?—A. I am.

Q. How long have you been a priest?—A. This is the twenty-third year of my ordination.

Q. Where else have you served as a priest?—A. As a priest I served for six years as Indian superintendent of the St. Johns Industrial Schools, St. John, this State.

Q. Minnesota?—A. Minnesota.

Q. Has your entire clerical life been passed among the Indians?—A. Yes, sir.

Q. You speak the language, I suppose?—A. I do.

Q. Have you studied it?—A. Studied it grammatically.

Q. That you have had to do by the aid of books, I presume?—A. Yes, sir.

Q. It is not taught in schools anywhere?—A. No; but we have a regular systematic grammar of the Chippewa language; also a dictionary, which was written by the first bishop of Marquette, Mich., in 1845.

Q. Who was that?—A. Bishop Baraga, the first Indian missionary after the Jesuits left their missions in 1685.

Q. How large a congregation have you?—A. At Beaulieu at the present time I am in charge of 91 families.

Q. Covering about how much territory?—A. Covering four townships.

Q. What do the Indian people in your parish do for a living?—A. Some do a little farming; others have to look for other occupations in the cities. In the wintertime some are in the lumber camps, and in the springtime others are on the drives; and, then, during the summer time also helping the farmers who have moved on the reservation during the last six years.

Q. Are they progressing or retrograding in the way of industrial life? Are they going ahead or going back?—A. They are going ahead, according to my estimation.

Q. Are there many of your Indians now without land of their own?—A. Yes, sir; there are.

Q. What are they doing for a living?—A. I mean that many have lost their own land, which was allotted to them. They are adults, some of them. Some of them have disposed of their land, but they are living on their children's land, which is not for sale.

Q. How are they as to religious zeal? Are they faithful in their church attendance and religious duties?—A. They are. Yes, sir. I prefer to be among the Indians rather than to be in charge of a white congregation.

Q. Do they lead clean, moral lives generally?—A. All those who are well Christianized.

Q. Are there any Indians there now who don't belong to some Christian denomination?—A. There are still some.

Q. What are their religious views, if they have any?—A. They practice their old-style religion, which they call "the grand medicine rite"—the old, original religion.

Q. Will you please tell us about what their form of worship is?—A. I say the Indian religion is similar to my own religion, or anyone else's. I don't know whether they are right or wrong. I couldn't do that within a short time.

Q. The outward form of worship or religious ceremony with them is what I want to have you tell about.—A. They have their religious dances. They worship one Supreme Being, which they call "Kitchi-Manitou," or the Great Spirit.

Q. And which they hold to be invisible and omnipresent and omniscient?—A. Yes; invisible and omnipresent and omniscient; the Creator of all.

Q. Is that their original idea, or is that obtained from their association with the white people—Christian people?—A. This must be their original idea, because the first missionaries that came to Canada, the Jesuit Fathers, found the same religion among them.

Q. Do they have worship at stated times, or just occasionally?—A. They do at stated times: generally in the fall and spring.

Q. Generally in the fall and in the spring time?—A. Generally in the fall and in the spring time—twice a year.

Q. Father, isn't that rather a convenient religion to have, that bothers one only twice a year?—A. Yes; but I think it is a little too easy.

Q. They are too apt to forget?—A. That is right.

Q. Have you a school in connection with your church?—A. I have not.

Q. How is the children's education provided for?—A. At the present time I am not so very well acquainted. Of course, I was better posted during the time I was Government superintendent for six years and teacher for three years before. But I think they are well provided as far as the schools go, the buildings and everything else, but I am sometimes afraid that there are some incompetent teachers and managers in different schools. Of course, this will happen in the best of States or anywhere else, but as a general rule I think the schools are well conducted.

Q. How do you arrange for Sunday-school work for teaching the children their religious duties?—A. I have hardly any children in my parish for Sunday school, because they are attending the day schools on and off the reservation.

Q. They are not at liberty to attend Sunday schools, are they, for special instructions?—A. They are.

Q. I suppose you do have such schools of instruction for them, do you?—A. Yes, I have.

Q. How are they about attending on those occasions?—A. They are very punctual.

Q. Is the Indian, in your judgment, a religious man; has he got a religious nature?—A. He has.

Q. Enjoys his religion, does he?—A. He does.

Q. How is it about the Indian women? Are they as much better religiously as the Christian women are better than the men?—A. I think they go on half and half. Generally I have more men in the church at my place than I have women, while it is generally the opposite in the cities. I have noticed that.

Q. Might it be that the men go to church to avoid working?—A. No; they stand more hardship than the women can.

Q. How large a place is Beaulieu?—A. It is a little hamlet. We have three stores, a post office, the overnment boarding school, the Government day school, one hotel and a half, and a couple of other houses; that is all we have.

Q. How do you get your living?—A. I have to plow the ground for it.

Q. Scratch gravel?—A. One-third of my support. I have to do my own work. I want to give the Indians an object lesson and show how good and fertile this land is.

Q. How are you doing that? What are you doing?—A. Gardening. With my own hands, and Indian help. Of course I can not go into extensive farming, because my spiritual duties call me first. What little time I have left, I do the other things.

Q. How much land have you?—A. I have—the Government donated to the mission 95 acres of land, and it has only about 45 acres of dry land.

Q. What is the rest?—A. Swamp and a lake.

Q. Well, you can utilize the lake? Does this State help you to stock lakes with fish?—A. They did, but most of these lakes on the reservation, west of Beaulieu, is alkali water. Hardly any fishing. But further east where there are pine woods, it is all sweet and good water, and it is nice fishing at all times.

Q. How is yours, alkali or sweet?—A. About half and half; some perch in it.

Q. You can not cultivate fish very well?—A. No; not successfully.

Q. How deep is the lake?—A. I have not sounded it myself.

Q. Well, is it susceptible of drainage?—A. Hardly.

Q. You cultivate 45 acres?—A. No; I cultivate only 2 acres, for my own support.

Q. What do you do with the rest of the dry land?—A. Well, most of the dry land is brush and timber and stumps. I use it for pasture for the horse and cows.

Q. I suppose you confine the crops on your 2 acres to garden truck mostly?—A. Garden truck mostly. Yes, sir. Raise all kinds of garden stuff.

Q. Do you employ Indian labor to aid you?—A. I do.

Q. How is it for efficiency?—A. For efficiency, I would prefer my housekeeper, a half-breed Indian women. She has worked for me for the last 11 years, and I prefer Indian labor to white labor.

Q. They are faithful, are they, and energetic?—A. Faithful, honest, and true.

Q. When not watched?—A. On those you can depend, you need not watch them.

Q. Do you know whether the example you set is followed—has it helped any of the Indians to go and do likewise?—A. Many of them.

Q. What do they raise mostly?—A. They raise garden truck; for instance, potatoes. Some of them farm, but they have not got sufficient capital to farm. Farming nowadays costs money. A person must make an investment in order to draw interest, but most people expect the Indian to farm and invest the interest and draw on the capital. They can not do that.

Q. Well, when they manage to do that you will have a great many visitors and you will have to increase that "half hotel" to a whole one. People will go to see how they realize the capital off the interest.

Examined by Mr. GUS BEAULIEU:

Q. Father Roman, comparing the conditions upon the White Earth Reservation when you first arrived there with the conditions as they are to-day, do you know whether they have improved or not?—A. In some respects they have improved, while in other respects they have not.

Q. In what respects would you say they have improved?—A. They have improved, as far as their temporal welfare is concerned, in some respects; that is, for a time, but which improvement they had to sacrifice later on.

Q. Are they industrious?—A. They are as a general rule. Of course, there are exceptions to any rule, to every rule.

Q. Do they find as much employment now among the farmers up there and other people as they did formerly?—A. They do find more employment.

Q. Then you believe that they have improved, so far as being employed is concerned?—A. So far as the employment is concerned, their condition is improving.

Q. Are there any more men working now than formerly?—A. There are.

Q. Do you know who employs these people?—A. Many farmers around in my vicinity employ Indian labor. My neighbor, Mr. George Suter, had an Indian hired man from November 1 until now, I think, a full-blood Indian, and I employ all the Indian labor I can afford. My housekeeper is an Indian. I always prefer Indians to work for me.

Q. The Indians and the white settlers get along very well, do they not?—A. They do.

Q. Whenever an Indian is willing to work, don't the white settlers usually employ them readily? They have no prejudice against them?—A. Not at all.

Q. Do the Indians work steadily or do they leave their work sometimes?—A. That is a point that needs a little explanation.

A. Well, just explain it.—A. The Indian would be a perfect workman if he only would stick to his job. If he only could do so.

Q. But he will get up when there is a little fun going on somewhere and just leave his work, will he not?—A. In many cases.

Q. But are they not overcoming that to some extent since the white settlers are locating upon the reservation?—A. They are.

Q. Now, do you not think that the Indians have improved a great deal since the passage of the Clapp Act, so far as their industry is concerned; getting employment?—A. Yes; they did; but the improvement was not as lasting as it was expected.

Q. Now, prior to the passage of the Clapp Act was there much land under cultivation on the White Earth Reservation?—A. Very little.

Q. Were the Indians making any use of their lands?—A. Very few of them.

Q. Since 1888—that was the year that the Rice agreement was made under the Nelson Act—did they use their lands very much until up to 1906, when the Clapp Act was passed?—A. Well, it is 22 years ago now that I passed through the reservation coming from Red Lake. I found between Fosston and White Earth, as far as I can remember, only about five fields of grain. That is a distance of 45 miles.

Q. Do you know whether the lands are cultivated between Fosston and the place you speak of now—that was White Earth, was it?—A. That was White Earth.

Q. Whether they are cultivated to any great extent?—A. They are.

Q. The lands which were formerly wild and being made no use of are used to-day, are they not?—A. They are all used; yes, sir.

Q. And on that account the Indians can readily find employment if they wish to work?—A. They do.

Q. From your experience among the Indians, do you not think it would be a good thing to compel them to work, by throwing them upon their own resources? I mean those that can work, say, from 21 to 40 years of age?—A. It is a hard question to answer. Compulsion infringes upon the personal rights and liberties of the person.

Q. I know. I mean this: By throwing an Indian upon his own resources, so that the Government will not take care of him, will not that compel him to work?—A. Yes; it will.

Q. Don't you think that would be a good thing?—A. It is a cruel schooling. It will have to be done in due time.

Q. But you believe, then, that it will have to be done eventually?—A. Eventually it will have to be done.

Q. Do you believe in taking care of young men who are good, healthy, strong men, and let them live a life of idleness?—A. No, sir; I don't believe in this.

Q. And do you not think by throwing them on their own resources it would be a good thing eventually—I mean the young men?—A. Sure, it would.

Q. What would you do with the old people?—A. I would take a little better care of them than they are taken care of now, if I could do so.

Q. Do you not think it would be a good thing for the Government to sell the lands of the old people, which are lying idle, and have them take care of the old people with the funds that they have received from those lands?—A. I do believe in this plan.

Q. Do you not think that by allowing the young people to sell their lands, and taking care of the old people, would be a good thing for the Indian generally throughout the country?—A. Yes; it would be another good plan, but whether the best I could not say.

Q. How would you proceed to make a better plan than that among the Indians?—A. The young people of the present day, I am afraid they would make themselves poor and their poor parents still poorer.

Q. Well, if they had to work they would not be poor, would they?—A. No; they would not be poor, they would be rich.

Mr. GRAHAM. That is, if they retained their allotments and worked also?

A. And worked them. Land is of no use to a person if it isn't worked, no matter how many thousand acres he has.

Q. Do you know how much Chippewa money is being expended every year? Have you ever heard?—A. No; I don't know that. Of course I have heard of certain amounts, and that is about all. I never worried very much myself about it, because I simply want to help the Indians spiritually and temporally as much as I can.

Q. Have you not heard that $150,000 has been appropriated by Congress out of the Chippewa funds every year?—A. I read that in the White Earth Tomahawk.

Q. That $150,000 had been appropriated by Congress?—A. Yes, sir.

Q. Now, do you think that if $150,000 were used so as to give the Indians employment instead of the whites, that it would be a good thing for them?—A. I think it would be a good thing for them.

Q. Do you not think that by paying the Indians for their labor on their farms that it would encourage them to farm?—A. It would.

Q. Do you think it would be a good thing?—A. I think it would be a good plan.

Mr. GRAHAM. Make that more specific, please. What is your suggestion? I want to get your idea as well as his. Do you think the Government should pay them full wages, or should the Government call it wages at all, or should they call it a premium, as it were; how would you arrange it?

Q. Well, do you remember, or have you ever heard about a system that the Government used—A. P. Smith, the former Indian agent, who paid Indians to break up their own lands, to build their own fences, and put in their seed—did you ever hear of that?—A. I did.

Q. And do you know what the result was?—A. The result was scramble for the lands and try to improve their homes as much as they possibly could.

Q. And there were more farmers then than there are now among them, were there not?—A. Yes; more than at the present time.

Q. More what?—A. More farming Indians.

Q. Well, now, did you not hear that the money they raised for their work at that time was their own money—that is, the money that had been appropriated to their use?—A. I did.

Q. And do you not think that plan would be a good plan if used now?—A. I think that plan would work now just as well as it did before, in my estimation.

Q. And would you favor such a plan?—A. This would be about the only remedy that could be at the present time given to them, I think, under the present circumstances.

Q. Do you know of any way that the present difficulties could be settled upon the White Earth Reservation—that is, I mean by the "present difficulties" the sale of lands by mixed bloods and full bloods—so as to prevent any suits being commenced by the Government?—A. The only good plan that I would suggest for this purpose would be to let the Government, as trustee for the Indians, sell it for them.

Q. But, in view of the fact that there is an existing law which permits mixed bloods to sell their land, their allotments of land, and does not permit the full bloods to do so, do you not know of any plan by which the purchasers of the land could be protected—that is, where an Indian could not come up to them and say that he is a mixed blood and yet he was a full blood?—A. Well, as far as I am informed, such a plan was being worked, but——

Q. Can you tell what that plan was? Do you know now what that plan was?—A. The plan was simply to find out who the full blood was and who the half-breed was.

Q. Was that not under what is known as the classification bill?—A. It was the classification of blood.

Q. Well, do you not think that that is the only way now to settle the difficulties up there, to have a classification made of the Indians and to find out who are mixed blood and who are full bloods, by good witnesses?—A. In my estimation that is a very hard task.

Q. But could it not be done only in that way?—A. Oh, it could be.

Q. Do you know of any other way that it could be done?—A. If I were to make a plan for these things, of course, I would do it differently than anything that has been done up to now.

Q. Well, how would you do it, if you were to make the plans to do it?—A. I have noticed in the half-breeds, as well as the full bloods, that they do not take to this discrimination. You talk about an Indian. You say an Indian is an Indian; but an Indian is not an Indian, and a half-breed is not an Indian, and a quarter breed is not an Indian, and a thirty-second is not an Indian. The half-breeds, in my estimation, are a class of my own. There are half-breeds, there are white men, there are Indians, and there are neither white men nor Indians. Because, for instance, to give you another example, not to make any insinuations or anything of that kind, but take an Indian on the reservation, if the people knew them better—for instance, we never call a mule a horse nor we never call a jackass a mulle. We can not do that. It is on that particular principle.

Q. Then you would call the half-breeds mules?—A. No; I excused myself beforehand. I stated that to throw some light on it.

Mr. GRAHAM. That is an unfair application to make of your reply.

Q. We understand he does not mean to cast any reflections.—A. My half-breeds are just as dear to me as the full bloods.

Mr. GRAHAM. What he meant was that the half-breed is as clearly distinguishable in a racial sense from an Indian or a white man as a mule is from either parent.

Q. I know that Father Roam does not mean to cast any reflections because he thinks more of the Indians and half-breeds, I believe, than he does of his own nationality.

Mr. GRAHAM. Well, I hardly think it was fair of you, knowing that, to make the application that you did of his answer.

Q. Do you not think that a commission consisting of three fair men would get evidence which would settle the existing difficulties much quicker than having them go into the courts?—A. Yes; it would in much shorter time.

Q. Very much shorter time?—A. Very much shorter time.

Q. Did you ever hear that a plan was suggested to have such a commission immediately following the Clapp Act?—A. I did hear of the plan.

Q. That was talked of right along upon the reservation, was it not?—A. Yes; it was.

Q. And were not strong efforts made to have such a commission created by an act of Congress?—A. Yes; there were some efforts made, but these efforts were not favored, as far as I was informed, by the majority of the people, for the very reason that there have been too many commissions and too many investigations on the White Earth Reservation during the last 20 years.

Q. Didn't the commission that I mention now propose that a missionary, an Indian agent, and one person to be selected by the Indians should act as that commission to get the evidence as to who were full bloods and who were mixed bloods? Did you hear of that?—A. I am not sure that a missionary was mentioned.

Q. Did you hear generally, upon the reservation, that that was the proposition, that they should select a missionary, the Indian agent, and an Indian? Was not that the first proposition?—A. That was the first proposition, and I think this plan was a good one, because this commission, a member of the commission, ought to be one that is living really with the Indians, among the Indians on the reservation. He is the one person really acquainted with all the circumstances.

Mr. GRAHAM. And not interested in exploiting them?

Q. Not interested in any way with them.

Mr. GRAHAM. Well, not interested in getting anything out of them.

A. No; his hands must be free.

Q. Do you not think that would be a good plan now?—A. So many good plans have failed that I would not really like to give my own private opinion. If there is no other means we will have to take the last remedy there is.

Mr. GRAHAM. What is that, Father?

A. This commission that he is talking about; that should be appointed to settle these things as quickly as possible.

Mr. GRAHAM. That you call the last remedy?

A. Yes; the last remedy.

Q. Do you think that the present system the Government is now using would be a good plan to settle the difficulties? Would it not throw a large burden of the expense upon the purchaser of land, such as dealers, etc., and land buyers?—A. I am not sufficiently informed on this point, and I would not like to express my opinion. I think the Government, as such, has always meant well by the Indians, and always worked for their benefit and for their welfare, spiritually as well as temporally.

Q. Do you know anything about the Crookston land sale?—A. I do not.

Q. You never heard about the Crookston land sale, did you?—A. The first time I heard of it was this morning when my neighbor, Mr. McIntosh, was testifying.

Q. All right. Did you ever hear whether a large quantity of pine timber had been sold on the reservation at the Crookston land sale?—A. I was never much interested in lumber or timber, I was not interested at all; but I was traveling with the Indians, I was camping out with the Indians, I was hunting with the Indians, fishing with them; of course I did hear a little talk about this that I didn't pay any special attention to.

Q. Have you not heard them criticize the manner in which their tribal fund has been expended during the last 18 or 20 years?—A. Yes; this criticism makes me tired, almost.

Q. Have they had any grounds for criticism?—A. I think without any reason they would not have criticized. If there was no ground for it at all, that would be unnatural.

Q. If there were no grounds they would not have criticized?—A. No, sir.

Examined by Mr. LINNEN:

Q. Father Roman, you speak of a large quantity of land now being cultivated more than there was some years ago.—A. I do.

Q. Who is it that cultivates those lands?—A. The white people.

Q. Where did they procure those lands?—A. They claimed to buy it from the Indians.

Q. Yes; and in what position does that leave the Indian as to his land? Is he as well off as he was formerly?—A. Nearly so.

Q. Has he anywhere near the amount of land that he formerly had?—A. He has not the land that he formerly had; but the land is no use if it is not cultivated or if he can not sell it, because before the Clapp Act only "dead" allotments were sold.

Q. And has the increase in cultivation by the Indians been noticeable within the last few years?—A. It has not. It is rather retrogressing.

Q. Now, with relation to the sale of these lands, Father; isn't it a fact that the Indians who sold, and some who could not sell, largely sold their lands and dissipated the proceeds?—A. Yes; I know some parties.

Q. As a general proposition, didn't the great majority of the Indians when they could sell, did they not sell their lands?—A. I think there are only a few that could have sold and did not do so.

Q. Then, from a financial standpoint, Father, are they as well off as they were formerly?—A. Well, they are not in some ways.

Q. They have sold their lands and they must now work for a living?—A. They must work for their living.

Q. Now, then, Father, was it noticeable after 1906, when they could sell their lands, that there was an increased amount of drinking on the reservation?—A. Yes; it was.

Q. And weren't the conditions at times disgraceful?—A. Yes, sir; in many places.

Q. In a large majority of instances, where the Indian sold his land, did he use the money for a good purpose, or did he squander it

in drinking and dissipation and purchase of worthless things?—A. Well, I couldn't specify the amount which was reasonably used for the improvements or for anything else; I couldn't; the most of their money was spent foolishly.

Q. Now, if you could have had it your way, or can still, you would have something done that would protect these Indians, would you not?—A. Yes.

Q. Protect their lands and protect their moneys?—A. Not so much protect their lands as to protect their moneys.

Q. Then, if the Government had supervision of the sale of their lands and could handle the funds derived from the sale of their lands, don't you think that would be better for the Indian—Government supervision?—A. Government supervision, of course, that would be the best plan. Let the Indians have the farm, the selling and disposing of it, they would get along. I have argued with a good many of them. They simply tell me, although they like me and respect me, they say, "Father, it is not your business. I can do that myself alone. My own money is what I want."

Q. Where the Government has sold the lands of the deceased Indians—what you call "dead allotments" and has deposited that money to the credit of the Indian, has it not been more beneficial to the Indian than if he had the proceeds all himself?—A. It was more beneficial.

Q. Now, you speak, Father, of a commission. Would not the work of a commission to be now appointed duplicate the work that has already been done?—A. A new commission would simply require a new space of time.

Q. You recall, Father, do you not, that in the summer or fall of 1909, a Mr. Moorhead and myself commenced work at Beaulieu?—A. I do.

Q. And that we were performing the work of a commission, do you know?—A. I do. I remember. I was present many times.

Q. And you recall that we had very many of the Indians, the old chiefs, the old Indians who knew the parentage and the ancestors of these various Indians, and that we were honestly striving to determine the quantum of the blood of the Indians who came before us, do you not?—A. I do believe it was an honest and just investigation as could be possibly wished for.

Q. And did you ever learn, Father, during that time, that we, either Mr. Moorhead or myself or anyone else working under us, or under our instructions, ever tried to make it appear that a mixed blood was a full blood?—A. Never.

Q. Something has been said, Father, with relation to Indian dances. You live at Beaulieu, probably saw some of those dances while we were there. Did you see, or have you seen, anything immoral or degrading or harmful to the Indian in their little simple Indian dances that they held at Beaulieu while we were there?—A. Well, I must state on this point that I was not present at any dances that took place there at Beaulieu. I had to go home as soon as the work was done at 5 o'clock in the afternoon.

Q. But, as a general proposition, do you think that those Indian dances—"squaw dances"—are immoral and bad; as bad as the white men's dances?—A. As far as the immorality is concerned, the Indian dances are more moral than other dances under certain circumstances.

But a difference must be made between regular Indian dances and the "squaw dance." I never approved of a squaw dance even on the reservation. The Chippewas got this habit of a squaw dance giving away presents from the Sioux. I was on every reservation in Minnesota and the northern part of Wisconsin and the State of Michigan and as far down as Mackinac Island as early as 20 years ago, but I never approved of the squaw dances.

Mr. GRAHAM. Is it on account of the making of gifts alone that you condemn them?

A. On account of the making of gifts alone.

Q. There is nothing immoral, as I understand you, in the movements of the dances?——A. Nothing immoral and nothing objectionable.

Q. Is it better, Father, for the Indian to be working for the white man, on the white man's farm, than it would be for him to be working on his own land?—A. It would be a hundred times more profitable to him if he would work his own farm.

Q. And if such aid and encouragement could be lent to the Indian as would induce him to work his own land and not dispose of it, it would be better for him, would it not?—A. So it would.

Mr. LINNEN. I believe that is all.

Examined by Mr. BEAULIEU:

Q. Do you not think that to compel the Indians to work would be better than to let them remain in idleness?—A. I do think it would be better, if you could induce them to work in any other way than to compel them to work.

Q. Now, is there any way that the Government has tried to compel or even encourage them to work since the allotments were made under the Nelson law?—A. There was no moral compulsion, at least I did not notice any.

Q. Well, did the Government encourage them in any way?—A. The Government encouraged them in one way, as I was informed 27 years ago when I was sent to Beaulieu, that those who plowed 4 acres, worked 4 acres, and had 40 acres under cultivation, that would give them 80 acres, as I understood, additional allotments for their work. This was the first inducement, I think, the Government ever showed to the Indians.

Q. Was that prior to the Clapp Act?—A. That was prior to the Clapp Act.

Q. Prior to the Nelson Act, was it not?—A. Yes, sir.

Q. And do you know how many took advantage of that act?—A. I know four parties.

Q. Four parties out of how many people?—A. Well, there was Mr. Shanodona; he was one of them; and, if I am not mistaken, those living south of Fosston, Mr. Beaulieu; and I know they hired white farmers from Fosston in order to plow and break up their fields in order to get their additional allotments.

Q. Was Mr. Shanodona an Indian?—A. He is a white man; he is a Frenchman. His wife is a half-breed. His children were down there to my school 23 years ago.

Q. How many people were up there on the reservation at that time?—A. There were, when I was looking for the boys and girls to conduct them down to the schools—there were very few people scat-

tered around the place, around Rice River, and around the groves. I traveled all over the reservation.

Q. There were about 3,000 people, were there not?—A. I couldn't say anything down to the real number.

Q. Now, you say that it would be more beneficial for the Government to sell the lands for the Indians and pay them so much. Was not that done prior to the Clapp Act? Did they not sell inherited lands?—A. They did.

Q. Was the sale of inherited lands beneficial to the Indians, if you know?—A. It was, as far as I am informed or as far as I can say.

Q. There were a large number of Indians who sold lands under the inherited-land laws, were there not?—A. Yes.

Q. Do you know of one that built a house for himself on those lands?—A. No; I didn't pay so much attention; I was otherwise so busy that I could hardly make a statement on this point.

Q. Well, do you know of any who have built houses since the Clapp Act was passed?—A. Yes, sir. There were several Indian houses built; for instance, Mr. Bronshaw—Mark Bronshaw—near Fish Lake.

Q. Has Mr. Carl built a house?—A. Yes; a swell one.

Q. It is a good one?—A. Sure.

Q. Do you know whether Theodore Beaulieu has built a house?—A. He is too far up to be my neighbor. I don't know. I did hear that several improvements had been made at the agency at White Earth, but I didn't see the agency at White Earth for the last four years.

Q. Do you know whether Mr. Jard built a house at White Earth?—A. Yes, sir.

Q. Are they not all swell houses—all that have been built by members of the reservation who sold their lands?—A. Yes; there were several.

Q. But prior to the time that they sold their lands, and when they were selling them under the inherited-land law, you don't know of anyone that built a house?—A. I do not.

Q. How much money was given to them at a time by the Government when they sold under the inherited-land law, if you know?—A. Do you mean how much money they received for a certain parcel of land?

Q. No. How much money did the Government dole out to them, or give to them, when they had charge of the money and sold their lands for them—the inherited lands?—A. Why, there is one case I know when the Government sold their inherited lands that they used to draw a certain amount of money every month.

Q. About $10 a month?—A. About $10 a month, I think. That was the regular amount, I think.

Q. Did it not cost them almost as much to go for the $10 a month?—A. I don't approve of this kind of plan. This is the Wisconsin plan. It was the plan when I was over to Cloquet—that was the reservation where I was stationed for 10 years before I came to this State.

Q. That was the plan the Government was using in taking charge of the money under the inherited-land law?—A. Yes.

Q. So you don't think that plan is a good plan?—A. I don't approve of this plan.

Q. It rather encouraged the Indians to become lazy; they simply looked for that $10 each month?—A. Yes; that is all. They knew they had something coming and they won't work. Now, the Indians on the Cloquet Reservation, they have thousands of dollars deposited in their name. The pine was sold by the Government and the people—the distributing agent at present, Mr. Cross, down there—I know every one of them down there—complained to me that the Indians are doing nothing else now, as long as they know the money is deposited in their name. They are planning how much money they can get for themselves.

Q. Did you ever hear that they would come to the Indian agents and the clerks and pay them a certain amount if they would recommend the payment of $100 or $200? Did you ever hear of that?—A. I never heard that.

Q. Now, you spoke about—Mr. Linnen asked you about the dances that took place while you were at Beaulieu. Did you hear that there were really some dances that took place there when he was there, while he was investigating?—A. Yes; I did hear. That is only hearsay.

Q. Did you ever hear that he joined in those dances?—A. Not Mr. Linnen.

Q. Did you hear that Mr. Moorhead had joined in the dances?—A. I heard that he attended them.

Q. Did you ever hear that they were painted up and had war bonnets on and got their pictures taken that way? Did you ever hear that?—A. Yes; I think I have a picture of that.

Q. You have a picture, then, of Mr. Linnen and Mr. Moorhead?—A. I don't know who it was, but it was somebody got into the tribe, and he looks pretty Indianlike. He looks Indian only on the outside; he is a white man inside. I think it was making Indians out of white men and out of white men Indians.

Mr. BEAULIEU. Well, that is all.

Examined by Mr. GRAHAM:

Q. Father, when you speak of the Government doing this and that for the Indians, what do you mean, specifically? The Government has to act through agents, and, with reference to the Indians, what particular person do you refer to when you speak of the Government doing so and so?—A. When I speak of the Government I always mean the Government at Washington, the Government proper—our civil government.

Q. But it is an entity, not an individual. It can not do anything itself. It can only act through others. Now, what can the Government do for the Indian unless it gets reliable, wise, honest instruments to act through?—A. That is right and that is necessary.

Q. Has it always been able to do that?—A. Not at all times.

Q. Well, is there any way to avoid those failures to get the right person?—A. Hardly so.

Q. The Government is a mere abstraction, so far as the Indian is concerned.—A. I understand that.

Q. Who is the instrument who acts for the Government in dealing with the Indians—the Indian agent?—A. The Government's respon-

sible agent or commissioner, or those persons to whose charge these particular people are given.

Q. It would be better for the Indian, then, would it not, to have a defective Government, but a good man at the head of the agency, than to have a very perfect Government and a bad man at the head of the agency? How about that?—A. I believe in a very good Government and in a bad agent, because a good Government can take the agent out any time they want to.

Q. But does it?—A. It ought to.

Q. But does it?—A. Not in all cases.

Q. Then a good Government does not help the Indian when it does not act?—A. But every time—this is theorizing a little too much.

Q. Then let us be practical. I don't insist on you answering this question unless you wish. To what extent is the Government's dealings with the Indians controlled by local Federal politicians?—A. Well, I think by appointing certain political persons that were looking for a job from the party to which they belonged.

Q. They would have to get that job through the politicians in their State who had a "pull," wouldn't they?—A. Generally they will apply to those with a "pull."

Q. After they get the job, would they dare to refuse or decline to act on the suggestion of those who got them the job?—A. I hardly think so.

Q. Then, if that be true, doesn't the Government deal with the Indians through the politician who got the job for the agent?—A. The politicians are working, theoretically, for the Government.

Q. Theoretically; yes.—A. Yes.

Q. Do you say they do, practically, all of them?—A. No.

Q. Is there any scheme or plan by which that unfortunate situation might be avoided?—A. Yes; I have——

Q. Would you mind telling it?—A. I studied real hard the Indian problem, the Indian situation, for the last 23 years, and I think that greater minds and brighter men have wrestled with this question than I.

Q. But no sincerer one than you; and sometimes sincerity is far better than ability.—A. That is true; but I think my plan would be that the Indian agent—a person should be appointed as an Indian agent who is acquainted with local circumstances.

Q. Quite so. But what good is that unless he is free to act?—A. Generally we have agents that I was personally acquainted with. As soon as they get acquainted with the situation and get acquainted with the place a little they have to leave, and some of them hardly had time to get acquainted thoroughly with the situation. For those reasons I would suggest a plan, that the Indian agencies—that they should be kept up, that it should be under civil government of capable and able men; of course, to be recalled at any time if he is in any way guilty of misconduct, or anything of that kind. But a man that is really capable, that knows something about the Indians—generally people manage Indians who never saw an Indian except in pictures, perhaps, and those a very poor representation of the Indian.

Q. You think that a real civil-service law applied to Indian affairs would improve the difficulty I refer to?—A. It would, perhaps, remedy it somewhat.

Q. I don't now refer to any particular agency—White Earth, Red Lake, or any other—but if the Indian agent, take any Indian agent, absolutely refused to listen to the politicians in control, how long do you think he could hold his place?—A. If he was under no obligations to the politicians I think he could hold it indefinitely.

Q. Well, whether he were under obligations to them or not, if he were under their control, would not the effect be the same?—A. Well, "whose bread I eat, that person's servant I am," so if a person gets a political apointment he is under obligations to those who get him the appointment.

Q. And not only that, but if he got it otherwise and holds it only because they want him to, he is no better off. That is, if they control the term or tenure of his office.—A. If he has to pass a certain examination, and he is qualified, why wouldn't it be just as fair as a person that has to dance to other people's tunes? I don't understand; that is my private opinion, of course.

Q. That is what I wanted to get, because I think that your opinion is both intelligent and entirely sincere. For that reason I value it. You think, then, that the application of a real civil service law to Indian agents, making them independent of local influences, would be a valuable step forward in dealing with the Indian?—A. It would.

Q. There are some conditions concerning the Indian, which, if they are not hereditary, are at least the result of a very, very long custom. One of them, and from I have heard here I think the principal one, is the fact that the Indian man despises work, that he was a hunter and a warrior—that work was menial and fit only for squaws. That, according to my reading and the testimony here, has been, time out of mind, an Indian tradition, has it not?—A. I have a different opinion on this point.

Q. What work did the Indian ever do in his former state, before the white man came?—A. In his former state before the white man came—the Indian was different then than now. He could go hunting in the morning——

Q. Your answer is not responsive to my question. I stated that he was a hunter and a warrior, but that he despised manual labor, mere work, that being fit only for squaws, and that for many, many generations that idea was drilled into him and almost born into him. Now, isn't it so that the squaw planted the corn, raised it, pounded it into meal; that every thing that was planted and grown in the ground was the result of her labors; that when they moved, she saw to taking down the tent, and when they reached the place where they were going she had to see to putting it up, she had to see to it in transit—everything that was in the nature of manual labor fell to her lot; and is it not true that the Indian women are the workers, willing to work and good to work; and is it not true also that the effect of many, many generations of that kind of life has weaned the Indian men from the idea of manual labor?—A. Sure it did, in a certain period of time.

Q. The question, then, is how to overcome that inherited tendency in the men. Now, three theories seem to be proposed here. Mr.

Beaulieu seems to have adopted the theory that the only way to wean him from those habits of his ancestors and his own and make him work is to put him face to face with starvation, a little like the conditions we read about which existed in Holland once, where idlers were condemned to go into a pit, and a stream of water was turned in there. There was a pump in the pit. If they worked vigorously they would keep from drowning. If they didn't work, the water would rise and rise and rise until they would drown. So it was a question of work or drown with them. Mr. Beaulieu, as I understand it, would make it with the Indian a question of work or starve. Is that the only way?—A. This is not the only way; no; not in my opinion.

Q. What is your plan by which the Indian can be enabled to retain his property, even though it does not yield any profit, even if he gets no rent or profit? What is your plan to enable him to retain it while he is acquiring habits of industry, so that later on it will be of use to him?—A. These plans don't seem to me to be feasible, not to me; that is a private opinion.

Q. Do you think that the better way for the Indian is to let him give away his land and any other property he has, let him dissipate the proceeds even though in the doing of it he learns habits of dissipation from which he can not later be weaned, and then bring him face to face with necessity or starvation and say to him, "Now, earn your bread by the sweat of your brow or go off and die"?—A. This also is a cruel plan, and I think the great mistake that has been committed in the civilization of the American Indian is this great American "rush." It took centuries to civilize the European nations, and why not give the Indian a little longer time and have a little more patience with him? The fittest will always survive; that is the natural law. In every plan and in every theory there is a little mistake some way. The best plan will miscarry. The best plan is not a perfect plan.

Q. Quite so; but there could be a plan devised that would be the best for the greatest number of people. Until you get a plan that will perfectly fit all, you can never cease hoping.—A. I am pretty nearly tired of planning. The plans have been made for many years now, and as soon as a plan is tried it will miscarry in some way.

Q. But do you agree with my suggestion as to the basic trouble; that is, that the Indian is not predisposed to manual labor, and, on the contrary, that he is opposed to it?—A. I do agree with you on this point.

Q. Then the question is, how to save his property rights for him until he overcomes that tendency, or would you, on the other hand, to bring about the result quickly, would you let him divest himself of his property and bring him face to face with necessity at once?—A. If we are to civilize the Indian all at once, this latter plan is the only one.

Q. Have you thought of the problem in the way I present it to you?—But of course you have.—A. I have. But how can an Indian make his living while his property is held for his future cultivation? He might not start to work in a lifetime.

Q. Quite so, but he is none the worse off for having the land. It is not like money.—A. No.

Q. He can not hope to draw on the Treasury and get money with which to buy notions, or dissipate, when his property is merely land.—A. That is right.

Q. He is not hungering to get his hand on a portion of the land in order to spend it. It is there. Now, can it be saved for him until he learns what to do with it?—A. It can be saved for him, but who is going to support him while he is acquiring this habit? He can not live on $5 a year.

Q. Can't he be brought face to face with necessity as quickly if he owns the land as if he didn't own it? The Indian who has an allotment, or two allotments amounting to 160-acres of unproductive land, will feel the pangs of hunger as quickly as one who has no land, and those pangs of hunger will drive him to work just as quickly if he has the land as if he has not.—A. Taking for granted that the Indian has the benefit all at once of his 160-acres, he must have something to start with. Just take the things he needs; he needs at least capital, he needs stock, he will have to build a house, he will have to have something to eat during the time he is working and developing. He needs farming tools and everything else. I would not start a farm, although it is on the White Earth Reservation and the nicest part of the land in the State of Minnesota that I ever saw, I would not start farming properly without a couple of thousand dollars. If I were to borrow that, the mortgage would eat me up.

Q. How many people can you support, Father, on your 2 acres of garden?—A. I have 100 bushels of potatoes yet in the cellar, dug them all—well my housekeeper helped me to do it—and I am waiting for higher prices. I think I will get $100 for them.

Q. If you had them in my country you could get $1.25 for them now.—A. It is too bad, then. Some of them weigh 3 or 4 pounds each.

Q. On your 2 acres, the way you manage it, you could support a family of five or six persons, and furnish them food to last all the year, or most of their food, with the chickens and other poultry and your potatoes and other garden stuff which you could raise?—A. If I had a market for the truck; yes.

Q. I know; but I am speaking of subsistence now.—A. There is more than a family of 12 could consume.

Q. Now, I am going to your other point. If you can do that on 2 acres—you hadn't any $2,000 to invest in your little 2-acre farm?—A. No; I hadn't.

Q. How much? You had a horse, I suppose?—A. I had a horse, one horse. And I had to pay $2.50 to have the ground plowed.

Q. If you didn't have a horse of your own you had to hire a horse to plow; spades and hoes and rakes; why, $50 would cover all the capital invested, wouldn't it, cash capital?—A. About $75.

Q. That is a good deal less than $2,000. Now, with an investment of $75, anyone could farm 2 acres of ground as you farm yours?—A. Yes, sir; but where could I get my grain? I am not raising any wheat or oats; I have to buy feed for my chickens.

Q. Sell potatoes and buy that.—A. I bought last week 40 bushels of oats. I have 90 chickens, and while it was 60 below there, I had 16 fresh eggs a day. I am the only farmer at Beaulieu that has *fresh eggs.* I am 2½ miles south of Beaulieu.

Q. But there is nothing in your location that gives you superior advantages over any other farmer who would farm as you do?—A. Sure he could, if he would only work and take care of it. But I have a nice little stove in the chicken coop; they are comfortable in there and well fed and taken care of. In the same way the cows are not freezing to death and the horses the same thing. All that is needed is a little attention and care. Farming is not an easy occupation, but I am sticking to it for seven years, not because I like it or because I have to do it, but because I can do it, and then I want to teach by example and by lesson.

Q. Father, tell us something about that Cloquet plan you mentioned. What is that plan? That is what Mr. Beaulieu refers to as the Wisconsin plan?—A. Well, I suppose the Wisconsin plan was how the Wisconsin timber was sold. Afterwards, when the Government sold the timber for the benefit of the Indians the money was not given to them in a bunch like it was given on this White Earth Reservation, but now at Cloquet, when the Indians took their allotments, there was no agricultural land, except some little patch where the pine grows, and everybody knows such a land is not fit for cultivation.

Q. Is not productive?—A. It is not productive. It is stony or sandy, or it is otherwise rough, and the reservation was nothing but pine, and when the Indians took their allotment their pine was being blown down, pine was burned, and the Government saw the necessity of disposing of this timber, so they sold that timber for the benefit of the Indians and deposited the amount for the individual, anybody that had come in, for his benefit, and then they would allow a certain amount of this money that was deposited to his credit; for instance, for building a house, or buying a horse, or necessary tools, or furniture, or anything of that kind; then, also, for certain rations, and I think some of them are drawing now $25 a month. This is all very bad. The Indians are doing nothing now down there at Cloquet, like Mr. Cross told me, except planning what stories they can tell their distributing agent from month to month in order to pull out their account. That is all. While I was there Mr. Weyerhaeuser, the lumber king of the United States, I think, had 86 of my Indians from the Cloquet Reservation in his sawmills or lumber yards, and two of my half breeds were sawyers, getting $7 a day. Carriage riders in those days, I don't know that it is so now, but carriage riders got $3.50, and so on; they were making a good, easy living. You know the second vice-president of the Great Northern Railway, he would telegraph me then, "Give me some Indians to work on the section."

I had two section crews working in the town, and other young men that had attended my school or any school on the reservation, they were clerking in stores in the city, Cloquet, a population of 12,000 now—it is a manufacturing town. There were some of them driving delivery wagons; young men, some of them, went into the woods during the winter and in the springtime they took in the drives, and all the lumbermen liked the Indians for driving, because they were quick and agile and did good work and at the same time also brave. Driving logs—I have tried it—it is no fun. Well, I wanted to see how my people have to earn their money, so I tried it all, and I told them I wouldn't do anything of this kind; I wouldn't work there for $15 an hour. Well, they were getting $2.50 and four meals a day,

working 16 hours; too long hours and too small wages; too dangerous work. But the advantage that the Indian on the Cloquet Reservation had, their village was only one and one-half miles from town, where they could find work, and besides, I had the Indians all gathered into the village, 64 houses in a bunch; we had a school and we had a church and the women folks could be left at home while the men went to work, but this allotment business in the original idea, I condemned it from the very start. The Indian is here. Twenty-two years ago, when I first came, they were all living in a bunch around the agency. There was another bunch at Rice Lake and there was another bunch near the boundary of the reservation at the north and there was another bunch at Twin Lakes, and they were living a community life, and now when these allotments were given to the Indians, they picked out the best parcels, of course; they had a right to.

Now, there are Indian families living up there, perhaps three or four miles from any settler. Now, such a man that has a family at home and children he can not start to work out and leave his family there three or four months. Where would they get any subsistence? It is impossible. In case of sickness or accident the poor woman can't run away with the whole family. For this reason, if I had something to say about this White Earth Reservation, I would gather all the full-blood Indians into several bunches and give them a few acres of land and let them raise all the garden truck they need for their own use, this would enable the young men to go around and find work some place. And it would be educational, better, and civilizing. Why, it would be ten times better. My people, many of them, are 20 or 25 miles from the church, and how can they be educated in religion? Many of them can not attend schools. For this reason I thought it was a good plan that the whites came onto the reservation and settled near the Indian homes. Then when something happens to an Indian family the Indian woman can go for help, at least to her neighbor, but I really condemn the whole plan the way it was, gentlemen.

Q. How did you think the pine lands should have been disposed of? Of course, it is perfectly apparent that it was unjust and very inequitable to divide it by allotments, when one allotment might be worth only $800 or $1,000 and another worth $20,000, and it was left to a matter of chance or favoritism who should get the valuable one and who should get the less valuable one; how do you think it should have been done?—A. My plan would have been while the half-breeds or the quarter breeds were taken down as far as they go—they have the same rights; the same privileges—my plan would have been that the pine should have been sold.

Q. Treat it as community property?—A. Community property; it was tribal property before, and equally divided per capita. It would have been the only just plan, gentlemen.

Q. But there the difficulty would arise which you complain of in the Cloquet plan, the division of cash money.—A. No; I don't mean the way in Cloquet: they don't have the agricultural land and pine land; they had nothing but pine.

Q. But they had a fund of money, and you say, instead of earning more they simply watched what they had—to get some of it; like a cat would watch a mouse.—A. They do it now, because before

they had no money deposited to their credit. But now they know they have something coming, and they will pull out that first before they do anything else. These White Earth Indians—they are Lake Superior Indians; they came from Mississippi; they are all alike; the Indian race is the same—it is the same all over—and I think (this is my private opinion) that really the Indians, if all hope would be cut off, nothing more coming, they would strive. They are simply now in a kind of excitement—all these commissions, these investigations, these Indian agents, perhaps all the Government of the United States, or its employees—are living from their money, and they are simply having excitement now. They try to devise one plan and another in order to get that, and save what they have coming rightly. That is the Indian's nature.

Q. Apropos to that statement, I want to assure you and them that this investigation costs them nothing. It doesn't come out of their funds.—A. Well, it is a good thing that they are told this. But I don't like the plan—for instance, different Indian superintendents from Indian schools from off the reservation come here and tell the children we have free schools; we will take you to Carlisle, to Lawrence, to Flandreau, to Pipestone; it is free education. The Indians ought to have been told that they had to pay for their education. I know when I was sent to the university and when my father sent me away from home he said, "Young man, you know you have something coming; you have a dowry coming, and I send you now to school. And remember that you are paying your own expenses. You can study and you can do with your money what you want." And a man that knows that he is spending his hard-earned money will take much better care of it than the money that he has gotten in an easy way.

Q. But you didn't invest your money, your dowry, in such a way that it brought you very much money back? It doubtless brought you other things, but not money.—A. Not money, but I have my life and I have happiness and I have the freedom which the Constitution of the United States gives to everyone alike.

Q. And there is that satisfaction which comes with the consciousness of doing good.—A. That is the only happiness.

Q. I would like to get your judgment about another thing. You made a distinction clearly, I think, between Indians according to the quantum of white blood in them. Isn't it an absurd arrangement that there should be no clear distinction made with reference to mixed breeds; that an Indian having only one one hundred and twenty-eighth of white blood should be classified in the same category with a person having only one one hundred and twenty-eighth portion of Indian blood?—A. I would never put such people in the same set.

Q. How would you draw the line?—A. My plan would be that the line should be drawn at a certain degree of blood. Otherwise this Indian will simply run indefinitely, and the further the Indian—the more white blood there is in the breed the more white he is going to be. The white man's blood is stronger than the Indian's.

Q. Is there any essential or even discernible difference between the treatment which the full-blood Indian may expect from a man who has 1/128 Indian blood in his veins and from a man who is all white? Isn't the shade of difference too small, and isn't the mixed blood, who is almost all white, as likely to cheat and deceive and overreach the

full blood as though he had no Indian blood at all in him? Do you follow me?—A. I do; yes, sir. The contrast is too great.

Q. Can you suggest a place where the line should be drawn—say half breed?—A. I would draw the line—a child of the full-blood Indian and of the full-white blood—that is, a half breed. And if that half breed mixes again with a full-blood white man that would be a quarter breed. And if the quarter breed should marry again a white person, afterwards I would cut off the children; give them no more Indian rights. That is my idea, because by that time such a penson ceases to be an Indian.

Q. Isn't it almost a joke—isn't it bordering on the absurd—to say that men, many of whom we have met during these hearings who couldn't be distinguished from a white person, should have the same rights in the tribal property as a full-blood Indian, when they are essentially Caucasian?—A. If the rights have been given them, they are entitled to them.

Q. I know, but I am going back of that to what the law should be, perhaps, rather than what it is, and I wanted to get your opinion about it. Perhaps it is too late to change or vary it now. Indeed, I think it is. But how much of the difficulty which confronts the Indian is due to the law which says that any man having the slightest quantity of Indian blood in him is a mixed blood and entitled to all the rights of the full-blood Indian?—A. These rights have come to him either through the Government or in some other way by which he is entitled to them. The more white blood there is in the Indian the smarter he is.

Q. My question was, Are many, or any, of the Indian troubles due to that fact?—A. Indirectly they may be, because a full-blood Indian can not be posted like a white man. In the first place, a white man does not talk his language. If a white man employs an interpreter, it will mix the Indian all up—the half-breeds that were really, in a certain way, helping to uplift—it was always the half-breeds that took some part. They always were the kickers—always started something for the benefit of the Indians, sometimes, perhaps, for a little private benefit for their own business, as that happens in any kind of business.

Q. Are there any statements you wish to volunteer; anything further you feel like saying to us?—A. Well, I have probably talked a little more than I was entitled to; probably I have encroached upon the time for some one else. I have hardly any other plans, and the statements I have made are my private opinion. Of course, you ask and I answer; that is different.

Q. I understand. We are indebted to you for your frankness.—A. It is only from personal experience.

Examined by Mr. DENNIS:

Q. Father Roman, it would be your plan to pay the money to the Indians that the Government now has belonging to White Earth? You don't approve of the Cloquet plan, and our Government now has some money belonging to the White Earth Indians. How would you advise paying it to them?—A. Paying that money to them by a defective plan—of course you can make no perfect plan for them——

Q. Well, it would be the defective plan.—A. I would have to apply—there is no better plan so far—I would apply the Cloquet plan,

because it would give the Indian all the benefit, no matter how many thousands it be nor how long it would last him; afterwards he might be poor.

Q. You would make that same plan work as to an Indian mixed blood the same as to full bloods?—A. No; I think—I like the half-breeds just as much as the full bloods; as I mentioned before, I would like to make an operation in this case. It is a desperate case, and a desperate case needs remedies.

Q. You would make no exceptions?—A. I would make no exceptions. All the competent half-breeds, away down to a certain degree of blood, I would give them what they have coming and turn them out, but not the full-blood Indians; I would not turn them out.

Q. That is what I wanted to get at. Such people as, for illustration, Theodore Beaulieu, Ben Fairbanks, and John Carl?—A. Yes, sir. They could have their money, and it will be their fault if they spend it.

Q. If the Indian mixed bloods have $500 coming, you would give it to them?—A. I certainly would.

Q. And sever the relations with the agents and with the Government as far as the Indians were concerned?—A. I would.

Q. But with the old people, the full bloods?—A. The old people and full bloods—there are some intelligent ones among the full bloods. They are not familiar with the white man's ways; that is why the white man can impose upon him, and the Indian is too good hearted for the white man.

Q. Would you work in the Cloquet plan on them?—A. I would work the Cloquet plan.

Q. And would you cluster them together?—A. I would cluster them together. I would bring them to some certain place and let them hold land in a certain place, and let the Government sell this land to them, and make little settlements around, and the sanitary conditions could be looked after, and such things; like I had 20 years ago, the Ossinins in Michigan—there was an Indian mission at Baraga; with the missionary fund they bought 500 acres; 75 families of Indians settled in one place; there was good fishing and hunting and trapping; they built a church for them; they were all together in a bunch, and there was little gardens around their houses, and such things, good roads—a perfect Indian village. That is what I call civilization. But I don't call this civilization, no matter what kind of nice houses the Indians have, whether in the woods or where it is; no roads, no bridges, nothing whatever. This is not civilization. You can not call it civilization.

Q. But the young men who would grow up in this community would need work to be industrious, wouldn't they?—A. Sure.

Q. And would it not be better to have the surrounding country, a mile or 2 miles away from the cluster, settled up with white farmers, so as to give the Indians employment, than to have it all reserved?—A. Sure, it would be better.

Q. It would make a market for their garden stuff?—A. Sure, it would be better. For instance, in Cloquet the men were working right along and the women were doing the washing for the people down there, earning as much as $1.25 and $1.50 a day scrubbing and washing. The women folks worked there and the men folks worked nearby; everybody was prosperous, but as soon as they knew that

they had this money back of them—now, I had to do a lot of arguing, for instance, with my housekeeper. She had to support a family and her father died seven years ago. She was the oldest girl in the family and her mother had to do the washing and support four smaller children and she was working out for small wages. I paid her $10 at first and she is getting $16 now; and as soon as her money—she is of age now—she is 27—as soon as she was notified that $1,600 was deposited in her name in the Cloquet Bank and that she was drawing 3 per cent interest she practically jumped the job. I said to her, now don't do this. You work as long as you are able and use that, and when you are old you will have saved some money. And she believed me, but I did some arguing on that point. That is the only way; that is the only way to treat an Indian. The Indian is an intelligent being; you can argue with him if you argue with him in the proper way, in the proper style, and try to make him understand. It will take a longer time, for instance, to understand they are not as we are; we are civilized. But our civilization was in progress for centuries. No matter whether the person is born in this country or another country, we are all foreigners. Every white man is a foreigner in this country. The only original American is an Indian, and for this reason I don't like to see him abused in any way. If he can be helped, let us do it quickly. Don't let us do it slowly; let us do it at once; let us take care of him.

Q. Then, you would cluster them together and try to dispose of the surrounding lands in order to bring in white people?—A. I would.

Q. But, then, what is the ultimate and the final solution of the race? Is it the marriage of these people, who are clustered together with their white neighbors, or is it always keeping the full-blood Indians together?—A. Let the full-blood Indian have his freedom or not. If he wants to intermarry with the white race I would let him.

Q. They do, don't they?—A. They do.

Q. Is that the final solution, intermarriage?—A. No; that is not the entire final solution.

Q. A thousand years from now on the White Earth Reservation will there be any full-blood Indians, to your mind?—A. In the way that they are living now, in the way that they are treated now, there will not be an Indian there in 150 years—hardly any.

Q. They are growing white?—A. They are growing white, and they are dying off fast.

Q. Did you ever know of any full-blood Indian that worked under this former plan of cultivating 10 acres and getting 40 or cultivating 40 acres and getting 160 acres? Did you ever know of any Indian who did the work himself, any full-blood Indian, under that plan?—A. Never. Not a full blood.

Q. They hired white men to do it for them, if it was done?—A. Well, because they didn't have the teams. They didn't have the tools, you know.

Mr. GRAHAM. And couldn't get them?

The WITNESS. Couldn't get them.

Examined by Mr. BEAULIEU:

Q. Father Roman, you mentioned some Indians at L'Anse. Is it not a fact that these Indians are entirely separated from the Govern-

ment and that the Government does not help them at all?—A. Sure, they are. The missionary had to buy the land for them to settle on.

Q. Is it not a fact that the Michigan Chippewas are the most prosperous Indians in the United States?—A. Well, the Chippewa Indians are really the only Indians with whom I am acquainted, whose language I speak, whose history I have read—from Mackinac Island up.

Q. The Michigan Indians are self-supporting? The Government does not support them at all?—A. Well, I am not so much acquainted with their business. I was only a few weeks there for my vacation.

Q. The chairman asked you if there was some method by which the Indian agents could be controlled, or any other Government official, so that the Indians could get justice. Don't you think a board appointed under some sanction of Congress would be a good thing upon the Indian Reservation, to investigate the schools and look over the work of the Indian agent?—A. I would approve of this plan, Mr. Beaulieu, because, if you have only a single individual, you don't know how long he will be good or honest or upright. Pretty soon you will have one Indian agent watch another Indian agent, and another after him, and they all will be watching each other and nobody doing anything.

Q. Well, don't you think if the Indians had a commission of their own they would watch the Indian agent and see that the Indian agent didn't give away a large amount of money or squander it? Don't you think that would be a good thing?—A. Yes, sir. That would be about the only sure plan.

Q. Do you think that would be a good plan to prevent the Indian money from being squandered?—A. Well, if the Indian money has been squandered now, it will be useless to have anything.

Mr. GRAHAM. Hasn't it been the theory, the sooner squandered, the better for the Indian, to bring him face to face with necessity——

Mr. BEAULIEU. Well, as to the individual money.

Mr. GRAHAM. Yes; or anything else in the way of property.

Mr. BEAULIEU. Well, probably tribal money would be the same thing. I believe the tribal money might be used in such a way, and I believe of course it would be better for the Indians to spend their own money than to have the Government spend it for them, at the rate of $150,000 a year, and the Indians not get the benefit, and it would be better for the Indians to get the benefit from the money rather than to have $5,000,000 a year, for that matter, which we are going to try to show is done. Now, Father Roman, you said that the Indians were working in the mills, employed by the Weyerhaeuser Co. Hadn't those Indians disposed of their timber long ago?—A. There was some timber cut and afterwards it was sawed. The Indians didn't profit much by that, and for this reason the timber was allotted to them—what there was left.

Q. These people who were working really didn't have anything to rely upon except their work; isn't that a fact?—A. Nothing else. They were not allowed anything for their own use.

Q. They had to work or starve?—A. That is all.

Q. You don't think, do you, that mixed bloods could be separated from the full bloods without violating the laws and treaties—that is, taking them away and dispossessing them of any land that they

might have on the reservation?—A. I don't think that the half breeds have the same rights now as the full bloods, which it appears that they have. In case the half breeds should be separated from the full bloods, I don't think either party would suffer anything.

Q. Did the mixed bloods get their rights through treaties, do you know?—A. I heard complaints all over, from nearly every Indian reservation complaints have been made—contracts made with the Indians—these Government contracts at Sandy Lake, Winnebegoshish, Pokegema—they simply received a part of the contract and for the rest they are still waiting.

Q. You misunderstand my question. Don't the mixed bloods get their rights through treaties——A. Sure they did.

Q. And by inheritance?—A. Sure they did.

Q. Their forefathers had the same right as the full bloods; isn't that true?—A. That is true.

Q. And for that reason the United States would not make any distinction between them and the full bloods?—A. Not until now, not in my belief; not until now, until the laws are changed.

Q. They could not change a law that could enable the United States to make that distinction, could they?—A. I think the United States could make a law; sometimes a law hurts one but benefits the greatest number of the public.

Q. Well, supposing such a law would be passed, how would you distinguish the mixed bloods from the full bloods?—A. The only way would be to distinguish, for instance, by looks. It would be a very poor distinction. It would be by tracing back their genealogy—would be the only way.

Q. Father Roman, will you look at that young man sitting there, with glasses on? Is there any difference between his appearance and a full blood's, in color?—A. Well, I think that I would doubt a little his being a full blood.

Q. Well, now he is my nephew. Do you think he looks more like a white man or like an Indian?—A. Oh, he looks like an Indian. I could tell that in the dark.

Q. Well, he is an educated man, is he not?—A. He looks so.

Q. Now, because he has become educated, do you think it would be right to take away his rights as an Indian?—A. No; not on these grounds.

Q. Well, isn't that really the position you take, that because a man becomes educated and civilized, his rights shall be taken away?—A. No.

Q. Isn't it the Government's policy to have Indians become educated?—A. It always was, I hope.

Q. Now, here is a man sitting beside me—I mean Mr. Carl.—A. He is one of my old pupils.

Q. Was he not born in a wigwam?—A. He was.

Q. And is he not an educated man?—A. He is.

Q. Considered one of the most prominent men on the reservation?—A. That is right, and I am proud of him as a Christian Indian, because he was my director of the choir in the church.

Q. Now, as a priest on the reservation, do not a great many Indians come to you for advice in regard to their matters?—A. They generally come—in most cases—a little late. Sometimes it would be better if they came before.

Q. Well, have you ever heard any of them make complaints against John Carl and say that he had defrauded them?—A. Nobody made any complaints to me against John Carl.

Q. You consider John Carl as good as the average, and possibly a little better, do you not?—A. Yes; I would like to have 200 of them in Beaulieu.

Q. And he at least comes up to the average?—A. A little higher.

Q. A little higher than the average? You believe he is a good, square man, do you not?

Mr. GRAHAM. Well, I would not follow that any further.

The WITNESS. As far as I know him, he is.

Mr. GRAHAM. His reputation is not in issue here, I think.

Mr. BEAULIEU. Yes, it is; on account of the affidavit that Mr. Linnen has read.

Mr. GRAHAM. Well, if it were in issue, this is not competent evidence. Only evidence on general reputation is competent, and this is the opinion of a particular citizen, which would not be competent. If you want to put his reputation in issue, and vindicate him, you will have to do it in the usual way by proving general reputation and not particular opinion.

Mr. BEAULIEU. Well, I just want to put that in, to give Mr. Carl the benefit of it.

Mr. GRAHAM. Well, that much is in, but no more of that kind will go in with it.

Q. You believe in putting Indians upon tracts of land and having them live together as a community, do you?—A. I do.

Q. Well, then you believe, practically, in the Clapp Act?—A. Yes; I practically do.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. That is all, Father. We are very much obliged to you.

ALBERT KAISER, sworn by the chairman, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name to the committee, Mr. Kaiser.—A. Albert Kaiser.

Q. Where do you live?—A. At Bagley, Minn.

Q. Where is that from Detroit?—A. That is north of Detroit, in Clearwater County.

Q. How far from Detroit?—A. Well, it is by mileage, I think, 110 miles; taking a straight line it is between 60 and 70.

Q. How long have you lived there?—A. Eight years.

Q. How long have you lived in Minnesota?—A. Forty-eight years; born and raised here.

Q. Your entire life?—A. Yes, sir.

Q. What is your business?—A. Banking business.

Q. In the town you named, Bagley?—A. Yes, sir.

Q. How long have you been in the business?—A. Since 1892; 20 years.

Q. Are you a stockholder and officer in the bank you are connected with?—A. Yes; cashier of the bank.

Q. Have you any interest at White Earth?—A. I have some lands on the White Earth Reservation; yes, sir.

Q. How much?—A. I have between 1,200 and 1,600 acres.

Q. Was that allotted land?—A. Yes, sir.

Q. Are you involved in any of the pending lawsuits?—A. I think there are three pieces that are in dispute.

Examined by Mr. DENNIS:

Q. Who is the president of your bank?—A. Mr. A. D. Stevens, of Crookston.

Q. Is it the First National Bank of Bagley?—A. First National Bank.

Q. I wish to read a portion of affidavit No. 118 that was read into the record by Mr. Linnen, referring to Mr. Kaiser:

STATE OF MINNESOTA, *County of Mahnomen, ss:*

On the 28th day of August, 1909, before me, Warren K. Moorhead, special United States Indian agent, personally came Ke-we-zaince, and being by me duly sworn, deposes and says: Five years ago I took the trust patent of my deceased children to Bagley; their names were Shagon-day-we-say-quay, age 4 years; May-quay-we-way-we-dah-mo-quay, age about 5 years; and the name of the last one was May-dwa-cumig-ish-qung, age 13 years. I took them to Mr. Kaiser in the bank at Bagley. Five years ago we borrowed from the bank at Bagley $25 and we handed him the trust patents. They did not ask me whether I was a mixed blood or full blood. The banker said that if we didn't ask an exorbitant price he would give us what we asked for it. Several times afterwards we went to see Banker Kaiser, and he paid us $125 in several lots. The second time we went to Bagley, nearly five years ago, we went to the office of Mr. McGlennon, an attorney there, to see about getting more money on our "deceased" lands, which were in the hands of Mr. Kaiser. While we were there Mr. McGlennon sent out and had liquor brought in his office, and then and there gave me and my wife, Equa-zaince, liquor. After this drinking, the attorney went with us to the bank and drew $40 and gave my wife $20 and me $20.

Q. Do you know the person named here — Ke-we-ziance — that makes this affidavit?—A. That is Charlie Wadena. Yes; I recall him.

Q. Do you remember whether he was at the bank more than once?—A. Oh, he was there six different times.

Q. Did he and his wife execute mortgages in the bank?—A. Yes.

Q. Were you present each time that he executed mortgages?—A. I don't remember looking at the mortgages themselves, but I do at the notes; they were always left at my desk for my approval.

Q. Were you there when they signed the mortgages?—A. Yes, sir.

Q. Do you know whether this man Ke-we-zaince swore that he was a mixed or full-blood Indian at the time he signed the mortgages?—A. He must have sworn to that or he would not have got the money.

Q. Well, did he swear to it?—A. He did.

Q. What did he swear to?—A. He swore that he was a mixed blood.

Q. Did his wife swear that she was a mixed blood?—A. I think she did. I wouldn't remember, because I did most of my talking to Wadena himself. Of course he would get the benefit of the title, and I didn't pay any attention to her.

Q. Do you know how much money you paid them?—A. I don't know; if you have the mortgages I could say. He afterwards wanted to sell the land to me and I refused to buy it. [Witness examines paper.] Well, the first time he came there he got $65 in cash, and the second time he got $70 in cash; that is, to the best of my memory; I am not certain about the exact amount; it might have been a few cents one way or the other. And then he came there two different

times, and he was broke and I let him have $2 each time to get home on. He came up there to sell me his land. Some party told me that the old man was rather slippery and the best thing I could do was not to deal with him and to refuse to buy the land at any figure. The mortgages were afterwards picked up by L. S. Waller, of Waubun; he paid the mortgages. At that time we had for collection a mortgage that was given to William McGlennon, who probated the three estates, and we collected all three of them. The total amounts of the estates that we claimed due on our claims were $141.75 and $166.25. On the mortgage to William McGlennon, Mr. Waller claims that McGlennon should have paid $25 out of the probate costs at the time he probated this estate, as he agreed to pay all the probate costs and probate the three estates for $150. I took the matter up with Mr. McGlennon for Mr. Waller, and Ke-wee-zainee, or Charlie Wadena, and Mr. McGlennon refunded to me $21, claiming the legitimate charges of the probate court should have been $21 instead of $25, which they charged him, or which Waller claimed had been charged; so that he remitted to us $308 less $21, or $287, for the different claims.

Q. At any time Charlie Wadena was in your bank making these three mortgages, do you know whether or not he was drinking?—A. He never was to my knowledge; I never saw it.

Q. Would you have known if he had been?—A. I suppose if he had been under the influence of liquor I would have noticed it; but I never noticed whether he had been drinking.

Q. Mr. Kaiser, have you ever yourself, personally or in your official capacity in the bank, been defrauded by some of the Indians on the White Earth Reservation?—A. Yes, sir.

Q. I will show you an abstract of title to an allotment wherein the patent run from Mary Beaulieu, and ask you to explain that [handing paper to witness].—A. James Staples and his wife, Mary Staples, came into the bank and offered for sale some land in section 19, township 146, range 38. Both Mr. and Mrs. Staples speak the English language fluently and both read and write. I asked them the price of this land and they said they would sell it to me for $175. I bought it for Mr. A. D. Stevens, of Crookston. I was not at that time in position to buy any land for myself and I called him up by phone and asked him if he would like a tract on the White Earth, and he said if I knew it was all right to buy it for him, and I did. A suit was started by a man named Borgerding to set aside the deed given by Mary Staples, formerly Mary Beaulieu, to A. D. Stevens, on the ground that the said Mary Staples, formerly Mary Beaulieu, was not the owner and never was the owner of the said described land.

Q. This Mary Beaulieu that came to your bank brought the trust patent?—A. She brought the trust patent with her and we recorded it and it is still in our possession.

Q. She represented to you that she was the allottee?—A. That she was the allottee.

Q. You paid her $150?—A. I paid her $175 less a mortgage that she had given to the White Earth State Bank. I have since learned that she was not the real allottee to this land, from outside sources.

Mr. GRAHAM. Mr. Dennis, at this point will you please put in the record the reasons you think this is relevant to any feature of the inquiry?

Mr. DENNIS. Well, it has been shown, Mr. Chairman, by Mr. Burch in all of his statements that there were great frauds committed between the Indian and the white man, and the affidavits of the Indians, taken ex parte, have been read into the record, and it is my purpose to show, as far as I can in a very short time, the fact that the affidavits are not true, and that the Indian was not defrauded, and, to counteract them, to show a great many frauds by the Indian allottee upon the white man.

Mr. GRAHAM. The first part of your statement would seem to be material, but is this a case for filing a set-off?

Mr. DENNIS. It is in view of the condition, upon the White Earth Reservation, that the business man himself is in; he has his money honestly invested to the extent of between five and ten million dollars, and he has been defrauded by the Indian; his land is tied up, and the Government is holding up the titles, and has thrown a wet blanket over every real-estate transaction, and I should like the opportunity to show a very few cases of fraud that had been committed by the white man upon the Indian. We shall not string it out; it is not my object to do that. I think possibly with two or three hours during my hearing I can show my case; I am not going to labor along with the committee in order to put in a lot of irrelevant testimony.

Mr. GRAHAM. I wanted your statement to go in at this time in connection with it.

Mr. DENNIS. Mr. Kaiser has been defrauded in two or three cases, and he wanted to go home this afternoon.

Mr. GRAHAM. Well, that is all right.

Mr. DENNIS (to the witness). Did you ever buy a piece of land, Mr. Kaiser, from an Indian by the name of Edmond Wah-kay-zoo?

The WITNESS. Yes, sir.

Q. Is there a lis pendens now pending upon the land which you bought from him, bought by the United States Government?—A. Yes, sir.

Q. Do you know on what ground that suit was commenced?—A. I understand on the ground that he was a minor at the time I bought the land.

AFTERNOON SESSION.

ALBERT KAISER, recalled.

Examined by Mr. DENNIS:

Mr. DENNIS. I will read into the record the facts contained in the deed from Edmond Wah-kay-zoo to Albert Kaiser. This is a regular form of warranty deed containing the usual covenants and warranty, and is dated April 10, 1908, running from Edmond Wah-kay-zoo, a single man of Mahnomen County, grantor, to Albert Kaiser, of Clearwater County, grantee, conveying to him the north half of the northeast quarter of section 33, township 143, range 39, 80 acres, for $150, and is properly signed and witnessed and acknowledged, and on the back of the deed is an affidavit by the grantor stating he is not an Indian of full blood, and this affidavit is made with

the full understanding and knowledge that the grantee in said deed is purchasing said land and premises upon the representation that the affiant is an adult Indian of the mixed blood, and in reliance upon this affidavit. I will also read a letter purporting to be signed by the father of this grantee, dated Ebrow, Minn., April 17, 1908, to Albert Kaiser, Bagley, Minn.:

DEAR SIR: This is to certify that my son, Edmond Wah-kay-zoo, is over 21 years old and consequently able to do his own business without my consent if he so desires.

Yours, truly, JOSEPH WAH-KAY-ZOO, *Father*.

Mr. Kaiser, in a few words will you explain to the committee the facts in connection with this purchase?

The WITNESS. This young man came into the bank and wanted to sell these 80 acres for $150. I had known him from the time he was a little boy, but was not quite certain as to his age, and I told him that I did not care about buying the land, for the reason that I questioned whether he was 21 years old. But I said, "I am well acquainted with your father; he has done business with us for 20 years in the old bank at Fosston, and I know if he swears you are 21, he being a minister of the Gospel, I will be safe in taking your deed, but I would like to have him do that." He says, "It is quite a ways for him to come, but if you send this money down to Ebrow to the postmaster there I will have my father go there and certify the fact that I am 21 years old, and also make the statement to the postmaster that I am 21 years old, so this money can be turned over to me." I said that I would do that, and I forwarded a check for $150 to the postmaster at Ebrow, and the Rev. Wah-kay-zoo came in there and signed that statement, and told the postmaster that Edmond Wah-kay-zoo was 21 years old, and he turned the money over to him. That is the transaction in full, so far as I am concerned. Since that of course they have started a suit to set the deed aside on the ground that the boy was not 21 years old.

Mr. GRAHAM. Whereabouts on the reservation map is the land described by you?

The WITNESS. It is down in the rolling part of the reservation, what they call the rolling and stony part of the reservation.

Mr. GRAHAM. What is the character of the land?

The WITNESS. I have not been upon it and I don't know anything about it, except what he told me himself. Charles Murray, of Ebrow, told me—he is the Government policeman there—he said that the land was somewhat rolling, and that a part of it, one 40, was very good land, brush land and mixed timber. I have never been on the land in my life.

Q. After suit was commenced, Mr. Kaiser, did you offer to return the land to him by deed if he would return the money?—A. I offered to give him back a deed to the land if he would pay me $150, with interest at 6 per cent, and taxes on the land. I offered that less than two weeks ago, through Adolph Peterson, the postmaster at Ebrow.

Mr. DENNIS. I have one more case in which Mr. Kaiser is interested. It is the Government lis pendens suit 1276, in which the United States is complainant and Mr. Kaiser is defendant, involv-

ing an allotment of an Indian by the name of Nah-gah-nub. I will read an affidavit by the allottee [reading]:

STATE OF MINNESOTA, *County of Clearwater*——

Mr. GRAHAM. Has that affidavit been read into the record?

Mr. DENNIS. No, sir; and it is not an affidavit in connection with any case that Mr. Linnen did read, but it is involved in one of the lis pendens suits, and he is on the Linnen roll as a full blood, and I can not find the name on the Hinton roll [reading]:

Nah-gah-nub, known commonly as Tom Mason, being first duly sworn, deposes and says upon oath, that he is making the following affidavit for the purpose of assisting Albert Kaiser in regard to patents in fee simple for the following lands, to wit: Lot 4, and the SWNW. section 5, township 145, range 39, and the SWSE. section 18, and lot 8 of section 19, township 146, range 39; that said Albert Kaiser bought said lands from himself and daughter, Mary Porter, now deceased, paying for said land the prices they placed on same, in cash; that said lands were heirship lands which were duly probated in the probate court of Mahnomen County, Minn.; that at the time of the sale of said lands said Albert Kaiser asked and inquired into the family history of both himself and Mary Porter, the grantors in said deed, and that they represented themselves to said Albert Kaiser as being mixed bloods; that they also stated that Metiz-waub, the deceased wife of said Nah-gah-nub and the mother of said Mary Porter, was a mixed blood; that this affidavit is made at this time to confirm the statements made by said Nah-gah-nub at the time he sold said lands to said Albert Kaiser, that Metiz-waub was a mixed blood, and that her father was two-sixteenths white, his father being one-half mixed blood, having one-half Canadian French and one-half Indian blood in his veins; that he himself is two-sixteenths white; that he called on said Albert Kaiser at the First National Bank of Bagley, Minn., for the sole purpose of making this affidavit, and brought with him to interpret this affidavit Jack Porter, a mixe-blod Indian of the White Earth Reservation, Minn.; that said affidavit was interpreted to him fully in the presence of Hans Peterson, M. A. Spooner, and G. H. Freytag, the notary public who is to take my oath to this affidavit.

Signed by his thumb mark in the presence of Hans Peterson and M. A. Spooner.

Acknowledged before Freytag and interpreted by Jack Porter before Mr. Freytag and witnesses.

Add this:

We the undersigned hereby certify we were present at the time the foregoing affidavit was read and explained by said Jack Porter to Nah-gah-nub, who executed the same as his free act and deed.

I may say that this M. A. Spooner was formerly a judge of the district court, residing at Bemidji. He is a man of high reputation. The date of the affidavit is the 6th day of June, 1911, and after the lis pendens suit was commenced.

Mr. GRAHAM. Will you explain to us, Mr. Dennis, what technical meaning you give to the phrase "lis pendens"? When you say "lis pendens suit," what do you mean? That is not the name of any action.

Mr. DENNIS. I may be wrong in calling it a lis pendens suit.

Mr. GRAHAM. Any suit pending and undecided is lis pendens.

Mr. DENNIS. Well, any suit involving the title to land——

Mr. GRAHAM. I want to get the technical meaning given it here, so I may understand.

Mr. DENNIS. Well, a lis pendens is a notice which is filed in the register's office in the county where any land is situated, and when a person brings an action involving the title or ownership of a piece of land, they file this lis pendens——

Mr. GRAHAM. Notice?

Mr. DENNIS. For the purpose of a notice to the world of the pendency of an action.

Mr. GRAHAM. It is not in itself a suit in any sense. It is simply a notice, of record, that there is a suit pending.

Mr. DENNIS. In each of the 1,200 suits which the Government has brought they have filed the notice of the pendency of these suits.

Mr. GRAHAM. Does your statute call for the filing of such notice?

Mr. DENNIS. Yes, sir; absolutely.

Mr. GRAHAM. Vey well; proceed.

Q. Will you explain this transaction, Mr. Kaiser? You purchased this land?—A. I purchased the land from Nah-gah-nub and Mrs. Charles Porter. Mrs. Charles Porter was a lady who is as light complected as any lady in the house here to-day. She practically did all the talking there, because she owned two-thirds of this land, it being her mother's land and she being the only heir outside of the father. It seems that Mrs. Porter died, and when this matter was settled up Nah-gah-nub felt he had not treated me right and gone down on the Hinton roll as a full blood, and he came to the office and wanted the balance that was coming on his land, etc., and he made that affidavit at that time. And he thought he had a balance coming to him for the reason he only got one-third of the money, while he supposed he was entitled to one-half of it. As a matter of fact, in settling with his attorney, the money being deposited, I think, he only got one-third where Mrs. Potter got two-thirds. I explained the matter to him and he made that affidavit at that time.

Q. You bought the land in good faith from them?—A. In good faith.

Q. And on their representation that they were mixed bloods?—A. Well, Mrs. Porter could not be questioned, because she was lighter complected than any lady in the house.

Q. Both of them talked English?—A. Both of them talked English. He is not a fluent speaker, but Mrs. Porter is.

Mr. DENNIS. That is all.

Mr. GRAHAM. Mr. Cain, do you desire to ask any questions?

Examined by Mr. GORDON CAIN:

Q. In regard to your proposition, from Mrs. James Staples, was it?—A. Yes, sir.

Q. What was the description of that land?—A. I can't remember it. Mr. Dennis probably has it here. That was Mary Beaulieu.

Mr. GRAHAM. It is in the record already.

Q. Was she married when she came to you to make the sale?—A. Yes; she was married.

Q. And did she claim to be the Mary Beaulieu to whom the land was allotted?—A. Yes, sir.

Q. And did she have the trust patent at that time?—A. Yes, sir.

Q. And did you find out how she came into the possession of that trust patent?—A. Yes, sir.

Q. You placed the trust patent on record?—A. Yes, sir.

Q. That is the land that is located pretty well near the northern part of the reservation?—A. Yes; it is in Clearwater County.

Q. And you paid for it $175?—A. I did not pay it personally. That was a deed that ran to Mr. Stevens there.

Q. How much do you think the land is worth?—A. I don't know. I was never on it.

Q. Didn't you look it over at the time you bought it from Mr. Stevens?—A. No, sir; I did not. I simply bought it because it was cheap and I didn't see a chance of losing anything.

Q. What has been the outcome of the suit started by Mr. Bardergering?—A. It has not been started yet. The complaint was only served on us about 20 or 30 days ago.

Q. Did you say that Mr. Stevens proposed to contest the suit of Mr. Bardergering?—A. I suppose we will file an answer. I don't know what we will do afterwards; we will file an answer anyway, if we find we can not make some kind of a settlement.

Q. Do you know anything about the true facts in the case, whether or not this Mary Staples is the allottee, Mary Beaulieu?—A. The only information I have I got from Charles Murray, the Indian policeman at Ebrow, and he told me that he understood that Mrs. Staples knew at the time that she sold him this land that the allotment did not belong to her. That is all I know about it.

Q. In regard to this last transaction which you just mentioned, Mr. Kaiser, how much did you pay for that land, did you say?—A. I don't remember what I did pay for it.

Q. $150?—A. What, this last—the Nah-gah-nub land? No: I paid more than that, I think. I don't remember what I did pay for it. I bought three pieces of land from Nah-gah-nub and his daughter, Mrs. Charles Porter.

Q. What steps did you take to ascertain the blood status of Nah-gah-nub?—A. Why, I had known him for over 15 years, and he was looked upon as a half breed or a mixed blood, and his son-in-law was Charles Porter, and his daughter, Mrs. Charles Porter, is lighter complected than any woman in the house to-day. She is lighter complected than I am, and I took her to be about three-fourths white, being a daughter, and it being a probated estate of the mother, of course, I did not question the title.

Q. At the time that Nah-gah-nub made the affidavit that has just been read here he was there looking for money?—A. Well, he imagined that he had some coming there, that there was a difference between him and the daughter, and that he had a half coming instead of a third.

Q. Does not that explain the making of the affidavit?—A. No, sir. I was very particular about that affidavit and called Judge Spooner in there and had this matter explained before him. The affidavit was written out so that neither Nah-gah-nub nor any other witnesses in there could ever say that a dollar of consideration was mixed with the affidavit. I took these witnesses in for that purpose.

Q. No payment of any kind made to Nah-gah-nub at that time?—A. Not at that time. That afternoon I think I gave him enough to pay his expenses back here and the team hire, or I gave it to Porter, $25—that is the man who brought him up here. I don't remember giving Nah-gah-nub any. I told him afterwards when the patent in fee simple came for that land I would give him the difference that he claimed was really due between him and his daughter—that he had agreed between his daughter and the interpreter at that time, which would be half the amount, that when I got the patent in fee simple for that property that I would pay—I told him I would pay him that when the patent in fee simple came.

Q. It was clear to him at the time that he made this affidavit that he would not get his money unless he made such an affidavit?—A. That conversation, as far as any agreement I made with him, was after that affidavit was signed. I was very particular about that.

Q. How much did you pay for the three pieces that you bought?—A. I don' remember how much I did pay. These lands that I have got that we have been talking about are up in the district were no other land man traded at that time—very little land sold up there. I don't suppose there has been an 80 up there sold for over $150 to $200 until the last year unless they had pine timber. These lands had no pine timber.

Q. The sales as they came from the Indians did not run more than $150 to $200?—A. There had been no other lands sold there beside that by the Indians. There had been no land transferred and no settlements up there, practically.

Q. How many suits are you involved in, either yourself or your bank?—A. Well, Mr. Stevens, of course, has one suit, and that is the only piece of land he has on the reservation. I have the Nah-gah-nub suit, which involves three pieces. It is all one suit practically, but there are three different services; and then I have the suit with Wah-kay-zoo and one with a girl called Maggie Bowe. I don't remember her Indian name. That is all.

Q. And the bank?—A. I don't know that the bank has any. Do you know that it has?

Mr. DENNIS. It has one of these.

Mr. GRAHAM. Are banks in this State permitted to own real estate beyond that which is necessary?

The WITNESS. The First National Bank took this land that we have this suit on—a trust deed for some money on a loan. A man by the name of Bert Nelson bought the land.

Mr. GRAHAM. Well, that raises the same question. Can the banks loan on real estate mortgages under the law in Minnesota?

The WITNESS. Very often banks will take trust deeds as collateral, to file away, in case anything comes up, to protect them.

Mr. GRAHAM. But they become merely the custodians, then? They have no lawful claim on them?

The WITNESS. Yes, sir; this was got in a suit. It was bought from a man named Nelson. He wanted some money; and he also at that time, if I remember rightly, took a team of horses that we put in on this trade. I would not say in just what manner, but he bought the horses and things from us and made the trade, and we took the land in on the trade.

Mr. GRAHAM. Mr. Dennis, will you inform me, are banks permitted to own agricultural land or to loan money on mortgages secured by real estate?

Mr. DENNIS. I can inform you as to the State banks, but I would not be able to say about the national banks.

The WITNESS. No; the national banks are not allowed to.

Mr. GRAHAM. They are not?

The WITNESS. No.

Mr. DENNIS. The State banks are allowed to loan money on real estate.

Mr. GRAHAM. That implies the right, of course, to foreclose in case of nonpayment?

Mr. DENNIS. Yes.

Mr. GRAHAM. And is there any limitation on how long they may keep the land thus foreclosed? If not, what is there to prevent the banks from owning all the land in Minnesota?

Mr. DENNIS. It would depend entirely on the demand for the lands. State banks can loan money and can buy outright.

Mr. GRAHAM. Is there any power given in the charter of your State banks authorizing them to own and hold real estate, is that one of the powers given them by law?

Mr. DENNIS. Any real estate they may obtain through loans their charter permits them——

Mr. GRAHAM. And to hold it an unlimited time?

Mr. DENNIS. Yes, sir.

Mr. GRAHAM. They might become very extensive owners of real estate in the long run?

Mr. DENNIS. I think possibly in some cases they have become so.

Mr. GRAHAM. I am surprised that you have such a State policy.

Mr. DENNIS. When I referred to that I was thinking especially of the State of North Dakota. The law is about the same as in this State. In the last 30 years all the real estate in North Dakota, through damaged crops, has been mortgaged to the banks, and they own it now. When good times come they sell it again, and when the poor times come they get it back on mortgages—two or three times in the last 50 years that has been done by North Dakota banks.

Mr. GEORGE. What about the banks here?

Mr. DENNIS. These banks here, the State banks, loan money on real estate. The national banks have loan companies—they buy the land the same as the land companies or the State banks do.

Mr. GRAHAM. It is a "gentleman's" agreement between the land company and the bank?

Mr. DENNIS. I could not tell you, Mr. Chairman, because I am not in the banking business.

Mr. GRAHAM. Isn't that an unlawful proceeding? They have no right to do indirectly what the law would prohibit them doing directly.

Mr. DENNIS. Of course, they have not.

Mr. BIRCH. Is there any distinction between savings banks and ordinary commercial banks under the State law? Do they have separate laws relative to loans?

Mr. DENNIS. There may be. We have no savings banks in the northern part of Minnesota that I know of. They have some in the cities, but I am not familiar with the laws relating to savings banks.

Mr. BIRCH. Does the witness know if there is any distinction between State savings banks and State commercial banks in regard to loaning money on real estate in Minnesota?

The WITNESS. Not that I know of. There is a difference between the national and the State laws in regard to it.

Mr. BIRCH. I was speaking of the distinction between the ordinary commercial State banks and savings banks.

Mr. DENNIS. I might say, Mr. Chairman, that Mr. Kaiser attended the Crookston sale, and if you care to make any inquiries as to that sale I would be glad to have you. I do not care to, because I was not familiar with it and am not interested in that directly.

Mr. GRAHAM. Do any of the gentlemen present desire to ask Mr. Kaiser any questions regarding the Crookston sale?

Mr. BIRCH. I have none.

Mr. CAIN. Have you a land company connected with your bank?

The WITNESS. No, sir.

Mr. CAIN. Did you buy any land besides the three pieces which you have mentioned and disposed of?

The WITNESS. I think I bought one piece of land that I have disposed of on the reservation—only one piece.

Mr. CAIN. How many banks are there in Bagley?

The WITNESS. Two.

Mr. CAIN. How large a town is Bagley?

The WITNESS. About 1,000 people.

Mr. CAIN. And the Edmond Wah-kay-zoo piece, you paid for that 80 $150?

The WITNESS. Yes, sir.

Mr. CAIN. What do you recall you paid for that one piece of land which you say you disposed of?

The WITNESS. I paid $1,300 for it and sold it for $1,500.

LOUIS LOHN, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. Louis Lohn.

Q. Where do you reside?—A. At Fosston, this State, 60 miles north of here.

Q. What county is it in?—A. Polk.

Q. How far beyond the north line of the reservation?—A. We are now in the next tier of townships to the reservation, in the northern end of the township—6 miles.

Q. How long have you lived there?—A. 24 years.

Q. How long have you lived in Minnesota?—A. 24 years in Minnesota.

Q. You came from what State?—A. I was nine years in North Dakota, just across the Red River, and formerly in Iowa.

Q. What is your present business?—A. I am a banker; employed by the First National Bank of Fosston—cashier.

Q. How long have you been an officer of that bank?—A. 20 years, nearly.

Q. Are you a stockholder also?—A. Yes, sir.

Q. How large a town is it you live in?—A. Between eleven and twelve hundred people.

Q. How many banks are there in it?—A. Three.

Q. What is the character of the country surrounding the town?—A. Agricultural country.

Q. Anything in the manufacturing or purely industrial lines?—A. Nothing.

Q. Has there been at any time any timber lands near it?—A. About 8 or 9 miles east there was some pine timber.

Q. That has been disposed of, has it?—A. Yes, sir.

Q. Are you interested in any White Earth property?—A. Yes, sir.

Q. What kind; real estate?—A. Real estate.

Q. Agricultural—farm lands?—A. Yes, sir.

Q. How much?—A. Somewhere between two and three thousand acres. I can't tell exactly. There are one or two other parties interested with me. I don't know exactly.

Q. That is, on an individual basis?—A. Yes, sir.

Q. Apart from your interest in it, is your bank interested?—A. No, sir.

Q. The national banks can not own real estate?—A. They can own no real estate unless you take it in—contracts.

Q. On this, the time they may keep it is limited?—A. Yes, sir.

Examined by Mr. DENNIS:

Mr. DENNIS. I will read the affidavit No. 314, which Mr. Linnen read the other day, referring to Mr. Lohn:

STATE OF MINNESOTA, *County of Mahnomen, S. Dak.:*

On this 26th day of August, 1911, before me, Warren K. Moorehead, special United States Indian agent, personally came Mezh-bain, and, being by me duly sworn, deposes and says: Three years ago I mortgaged my original allotment, No. 3527, for the SE. ¼ of the NW. ¼ and the SW. ¼ of the NE. ¼ of section 3-146-42, to John Vig and Louis Loans, the banker at Fosston, and I received about $100. They took the trust patent and I signed some papers. I had been drinking. About two months afterwards I was there again, and I had been drinking. They told me that I had sold the land. They gave me some more papers to sign and $150, and that is all I got. The interpreter was John Stevens. Loans and Vig would come for me when they wanted the land. My home is about 5 miles from Beaulieu. Vig and Loans also took the trust patent of my deceased husband; they have it now. They probated the estate and never gave me any money, and when I went there last winter they would not give me any money because I had no papers.

Then there is the number of the allotment of the deceased husband, No. 3526, and there is another description of land in here, which is not material, that is signed by Mech-bain and sworn to before Mr. Moorehead and witnessed by John Laufkins.

Q. Now, Mr. Lohn, do you remember this particular Indian woman?—A. Yes, sir.

Q. Coming into your bank?—A. Yes, sir.

Q. And borrowing money?—A. She did.

Q. Will you state to the committee whether or not she had been drinking when she borrowed any of this money?—A. If I had supposed she had been drinking a drop she could not have done any business with me in our bank.

Q. Then when she makes affidavit that she had been drinking, she has not told what is true?—A. She has not.

Q. Did you loan her—how much money?—A. I loaned her $250, I think. I am pretty sure it was $250 or $300, I am not absolutely sure because they were loaning about these amounts and I have not looked up the records in this case. They might vary $50 either way. But she came in afterwards and wanted a little more money. I had found out that the land was not very good, that it was swampy and not valuable and I told her I did not care to loan any more money, because if I should have to foreclose it would probably cost me more than I could get at the time, but if she would give me a deed to the land I would give her $50 more because it would cost me that to foreclose, and if she could find anyone who would pay more for the land within some reasonable time, she could have the privilege of selling it. Under these conditions she gave me the deed and got the $50. She deeded it to me personally at that time. Afterwards she came in with a party, or a party came in for her, and she was offered more and we deeded the land back to her or to this party *that she* sent there; we got our money back and we closed that trans-

action. The other transaction referred to, it is her husband's allotment—"dead" allotment. She came up to Mr. Vig, who is an attorney, and wanted this tract probated. There was no talk of selling at the time he probated the estate, and after this was done she spoke of selling it. Mr. Vig and myself owned at that time—had possession of two tracts adjoining this and we told her we would give her $400 for it as soon as she produced a fee-simple patent. She said she would do that, that she could get that easy enough and gave us a deed, and she has $400 due her any time she comes with the fee-simple patent in accordance with the agreement made; we owe her $400. We have been to see her, we have sent her word at different times; one time I remember Mr. Vig and I drove out and asked if she was doing anything to get this straightened up and she said that she had some money from the sale of some pine land and was not in any hurry.

Q. Do you understand that she has a fee simple patent to her pine allotment?—A. I have been told that she had a fee simple patent to one allotment.

Q. When she mortgaged the land to you, did she make representations as to being a mixed blood—A. Yes, sir. In the first place we had an affidavit made out and signed by two besides herself that she was a mixed blood; and sent it in to the agency at White Earth. The second, I am not quite sure, because that was done with Mr. Vig and I could not say positively.

Q. Is there a lawsuit pending on her tract?—A. I could not say, because that is out of our hands.

Q. Have you bought any lands upon which there is a lawsuit pending?—A. Yes; I have a few suits pending.

Q. You have one pending upon the piece of land which you bought from an Indian, Charlie Anawash?—A. Yes, sir.

Q. Will you explain to the committee as briefly as you can what those facts are?—A. I will. The facts are these: Shortly after the passage of the Clapp Act, one Charles Anawash came into the bank and asked me for a loan on his 80. I looked at the man and said I thought he looked like a full blood and I could not do any business with him. He said he was not and could prove he was not, and I asked him how, and he said he would get the Rev. Frank Porter, who had known him from childhood, to testify that he was a mixed blood. Mr. Porter did so, came up and said that he would sign the affidavit that Charles Anawash was a mixed blood; that he had known him from childhood, and knew that he was; but I had even yet suspicions and felt it was not sufficient, and I went down to see the agent, Simon Michelet, who was in the agency at the time, and asked him if he considered a statement made by Rev. Frank Porter reliable and if he would issue a recommendation for a fee simple patent upon the application as stated. He said he had considered Mr. Porter to be as reliable as the majority of white men with whom he had come in contact. I remember the very expression that he used, and that he would recommend this person for a fee simple patent; on the strength of this statement of Mr. Porter's and the agent's, I made the man a loan and afterwards came into the possession of the land. The papers went in, Mr. Michelet went out of office and I have a lawsuit on my hands.

Q. How much money have you in that particular transaction?—A. Between $500 and $600 on that 80.

Q. Besides the expenses of the lawsuit?—A. Besides the expenses of the lawsuit.

Q. Is that land any more valuable than what you have in it?—A. No, sir. I would like to sell that land if I could get the title to it for less than it has cost me.

Q. Is there any other statement you would like to make to the committee?—A. No, sir; nothing particular in reference to anything I can think of.

Examined by Mr. GRAHAM:

Q. Mr. Lohn, have you an attorney who advises your bank in its interests?—A. Yes, sir.

Q. Was he consulted about these real-estate deals?—A. Yes, sir.

Q. Is it not the law in Minnesota that a person who is under any legal disability can not, by any representation he makes, remove that disability? For instance, you have a law against selling liquor to minors?—A. Yes, sir.

Q. If a young man who looks as though he were 25 goes into a saloon and asks for a drink of whisky and the bartender challenges his age and he assures him that he is of age, and makes an affidavit to that effect, and calls in a dozen reputable men who also make affidavit that the young man is past 22, if the case comes into court it will be determined there on the absolute facts and not on the representation he has made as to the facts?—A. Yes, sir; that has been decided again and again.

Q. Well, did not you know that if it turned out, as a matter of fact, that you were dealing with a person who was under some legal disability, that his representations as to whether he was or was not under such disability would be entitled to no weight whatever?—A. Certainly; but I was trying to show how hard I tried to avoid trouble and still I got into it.

Q. In other words, you relied upon the representations of Mr. Porter, as a minister, and the agent?—A. Yes, sir.

Q. Which might otherwise be interpreted that you made a careful bet and lost?

Mr. DENNIS. He tried to protect himself and got into trouble.

Examined by Mr. CAIN:

Q. How many suits are there against you pending?—A. I really do not know. My attorney is taking care of that. There are eight or ten, something like that.

Q. When you bought this probated estate you took a deed to the property, did you not, and you did not pay for it?—A. Nothing except the expenses of the probating.

Q. And you claim that the party is a mixed blood?—A. She claimed to be a mixed blood.

Q. Well, you assumed so yourself, did you not? You are aware that the Clapp Act gives the trust patent all the effect of a fee patent?—A. Yes, sir.

Q. So you virtually had title to the property without paying a cent? Is that it?—A. Well, as I explained——

Q. Is not that a fact?—A. Under those conditions we have the $400 ready for her when she complies with that.

Q. When she complies with your requirements she can get the $400, is that it? And if she is a full blood the only way she can comply with your requirements is to commit perjury?—A. If the court decides that she is a full blood, I suppose we will lose our money.

Q. Regardless of how the court decides it, if she is a full blood, in order to comply with your requirements she would have to commit perjury?—A. I have not thought——

Q. Don't you think your method of dealing with the Indians is somewhat of an inducement to commit perjury?—A. I have not thought of it in that light.

Q. Would not you think that $400 offered to a poor Indian would be something of an inducement to commit perjury?—A. I have known a great many men who would commit perjury for less money.

Q. In other words, the only chance that was taken was by the Indian in committing perjury? If she did not choose to commit the crime of perjury you would hold the land without paying a cent; is not that true?—A. Yes; but we were ready to believe that she would have no difficulty in getting the fee-simple patent. She told us so, and we thought she was a mixed blood.

Q. Is not that the way the case stands right now, if she is a full blood?—A. Yes, sir.

Q. If you felt so confident that this woman was a mixed blood, why did you not pay her the $400 when you took the deed?—A. Well, if she had insisted at that time we would have done so, but we went afterwards and spoke to her and asked her if she was doing anything toward getting title, and she said she had plenty of money and that she did not need $400, and that she was in no hurry.

Q. What did you pay for this other tract; the Anawash tract?—A. Between $500 and $600 it cost me. I did not loan him that much money; I did not give him that much, but he had mortgaged it—a second mortgage.

Q. On this first tract on which you paid $350?—A. $300; and then she got something more out of it, I don't know how much.

Q. What is a good price on farming lands on the White Earth Reservation?—A. Oh, it varies; it is very difficult to say.

Q. In the northwest?—A. In the northwest towns—that country is low up there.

Mr. DENNIS. As to the question of perjury, Mr. Lohn, if this Indian woman had testified before Mr. Moorhead, as this affidavit purports, to the effect that she is a full blood, she has already committed perjury, hasn't she?

The WITNESS. She certainly has.

Mr. BEAULIEU. Did you hear whether any of the Indians had repudiated any of their deals or made affidavits prior to the coming to the reservation of Mr. Linnen and Mr. Moorhead?

A. No; I did not.

Mr. BEAULIEU. Did any of the Indians make any trouble or try to do anything about the recovery of their lands prior to that time?

The WITNESS. I could not say just what time these gentlemen came to the reservation. I am not positive about that. The trouble commenced a year or so after we bought the land.

Mr. BEAULIEU. When did you buy the land?

The WITNESS. In 1906 and in 1907.

Mr. BEAULIEU. And this commenced a year or so afterwards?

The WITNESS. A year or so afterwards.

Mr. BEAULIEU. You did not hear of any Indian making affidavit he was a full blood after he had made affidavit that he was a mixed blood until after Mr. Linnen and Mr. Moorhead investigated upon the reservation, did you?

The WITNESS. No; I did not.

Mr. GRAHAM. I forgot to ask, I think, whether the bank's attorney gave the bank advice as to dealing with persons who were under legal disability such as I referred to awhile ago.

The WITNESS. That was not the bank's transaction at all. The bank had nothing to do with it.

Mr. GRAHAM. No; but if the bank had had such advice, of course you would have had it?

The WITNESS. I don't think that question was ever touched upon—the way you put it. I don't think it was ever thought of.

GEORGE A. MORRISON, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your name, please.—A. George A. Morrison.

Q. Where do you live?—A. Near Ogema.

Q. That is in the south end of the reservation?—A. Yes, sir; about.

Q. On the Northern Pacific Railroad?—A. On the Soo Line.

Q. How long have you lived at Ogema?—A. I have been there 8 or 10 years, or near there.

Q. And how long in the vicinity of it?—A. I have been on the reservation more or less since 1870.

Q. What is your present occupation?—A. At present I am farming.

Q. Have you any other business?—A. Oh, occasionally I take up a piece of land if I can find something.

Q. In other words, you deal in real estate when you see a bargain? Have you any other business—banking or other enterprises?—A. I have a little stock in a bank.

Q. You are not an officer of the bank?—A. No.

Q. The bank at Ogema is the one you are interested in?—A. No; at White Earth.

Q. Do you carry on the work of farming yourself, Mr. Morrison?—A. No, sir; I do not. I hire it done or rent out the land on shares.

Q. What are the usual conditions for renting up there?—A. Oh, it depends; sometimes we rent it for one-quarter or one-half.

Q. Well, where the land is fairly well improved, where there is a dwelling house and barn, outhouses, and so forth, and the land is broken ready for cultivation, what is the usual rent on the share basis?—A. One-third.

Q. Delivered, I suppose, at the railroad station?—A. Why, not always.

Q. Does that apply to all the products of the farm?—A. Pretty nearly all.

Q. How much land do you own within the reservation?—A. I don't think I own any just now in my own name.

Q. I don't quite understand.—A. Well, I am on my son's farm and I have two other eighties that belong to other parties that I rent.

Q. And do I understand that you have not the title to other land in your own name?—A. No, sir.

Q. Well, if you did buy the land, did you afterwards convey it, by gift or otherwise, to some members of your family?—A. After I buy the land I convey it to the men who furnish the money to buy it.

Q. Then you are a land agent, more than a land owner?—A. Well, I share the profits.

Q. Is that about the only occupation you have, whatever farming you do and whatever business you do in buying and selling lands?—A. At present that is the only occupation I have.

Q. Have you had any other occupation in the recent past?—A. Yes, I was in the White Earth Agency office.

Q. In what capacity?—A. As a clerk.

Q. When?—A. In 1905.

Q. Who was the agent at that time?—A. Agent Michelet.

Q. How long were you there?—A. Two and one-half years at that time.

Q. All that time under Michelet?—A. Yes, sir.

Examined by Mr. BEAULIEU:

Q. Were you formerly connected with the service before you became a clerk in Maj. Michelet's office?—A. I was overseer at Red Lake. That was the name of the position at that time.

Q. During which years were you overseer at Red Lake?—A. I went there in February, 1896, and I remained until 1901.

Q. During the time that you were at Red Lake did the sale of the timberlands of the Chippewas, the pine lands of the Chippewas, take place?—A. Yes; in 1906, at Crookston.

Q. Where did the sale take place?—A. At Crookston.

Q. Do you know how much timber was sold at Crookston?—A. It was supposed to have been sold on estimates at minimum price of $3 per thousand, according to the terms of the Nelson Act.

Q. Was it sold according to the Government estimates at that time?—A. It was, as I understood.

Q. Was there any fault found with the estimates as made?—A. Yes, sir; a great deal.

Q. I wish you would tell about the circumstances as you remember them.—A. They claimed that the estimates were very low, some times hardly more than one-tenth of what was really on the tract.

Mr. GRAHAM. Of the real value of the property?

The WITNESS. Of the real quantity of the pine. Some parties told me, who bought afterwards at private sale on the estimates, that the timber cost them less than 40 cents per thousand.

Mr. GRAHAM. At that time what would have been a fair price for it?

The WITNESS. According to the estimates, it should have been sold for not less than $3.

Mr. GRAHAM. But, if you know, tell how much more than the minimum it should have brought.

The WITNESS. Well, I could not say.

Q. What in your opinion was the amount that the Chippewas lost by that sale?—A. That is another hard question to answer, but I have heard a good many people talk about it, and from their conversations I should judge that they lost $3,000,000.

Q. That included only the sale of the Red Lake pine?—A. Only the Red Lake pine.

Q. Was there any sold at the same time on the White Earth Reservation?—A. Well, I understand that there was some in the four townships ceded.

Q. The ceded four townships? Did you learn whether it was the fault of the Government or collusion among the lumbermen which caused this loss?—A. They claimed that there was very little bidding at the Crookston sale.

Q. Do you know whether the Secretary of the Interior at that time refused to approve the sale or not?—A. That is what I understood.

Q. Who was the secretary?—A. I forget.

Q. Wasn't it Secretary Francis?—A. I don't remember who he was.

Q. Wasn't that sale afterwards approved?—A. It was approved; yes, sir.

Q. Who was it approved it—which Secretary?—A. I forget the names altogether.

Q. Under whose administration was it approved?—A. It must have been the Republican administration at that time when it was approved, but I don't remember the name of the Secretary.

Q. Do you know anything about an investigation that took place at that time of the estimates?—A. I remember seeing Inspector Wright up at Leech Lake, at Red Lake I mean; he was looking over these pine estimates and tracts.

Q. Did he have any estimates with him at that time?—A. He had two or three, I think.

Q. Do you know anything about his reports or whether he made one?—A. I understood that he made one.

Q. Do you know whether it was under that report that Secretary Francis refused to approve the sale or not?—A. Well, it seems to me I heard it was on that report at the time.

Q. Then Secretary Francis's successor approved the sale, did he not?—A. That is what I understood.

Q. And the Indians lost about $3,000,000?—A. On that Red Lake sale?

Mr. BURCH. Do you mean Bliss or Hitchcock, Mr. Beaulieu?

Mr. BEAULIEU. Bliss.

Q. Do you know what the result of that sale was, if one of the Secretaries of the Interior didn't refuse to sell any more timber under the so-called Nelson Act?—A. I believe so; yes, sir.

Q. And do you know whether a new act of Congress was passed or whether that bill was amended so as to permit a new method of selling that timber?—A. Yes; I think it was called the Morris bill.

Q. What did the Morris bill provide for, if you know?—A. To sell the timber on bank scale—what is called bank scale.

Q. And after the Morris bill became a law the Indians didn't lose so much as formerly?—A. No; they didn't.

Q. That is the law that is now in force?—A. I believe so.

Q. Do you know anything about the Nelson Act?—A. I do know something.

Q. Were you at White Earth when the consent of the Indians was obtained by the Chippewa commission?—A. Yes, sir. I was there.

Q. Do you know what the understanding was with regard to the allotments of land?—A. They were to receive 160 acres, I believe, the Chippewas of Mississippi.

Q. And when they allotted the lands, did they allot them 160 acres?—A. They allotted them only 80 acres.

Q. And what was the reason they didn't allot them the 160?—A. Well, I believe they received instructions to that effect from the Indian Office.

Q. Not to allot them 160?—A. Not to allot them 160.

Q. What was the reason given for not alloting them 160, if any?—A. I don't remember. I don't know as I heard.

Q. You heard about the Steenerson Act, did you not?—A. Yes, sir.

Q. Was that act not passed for the purpose of complying with the promises made the Mississippi Chippewas that they would get 160-acre allotments?—A. It was.

Q. Do you remember when they commenced to allot lands under that Steenerson bill?—A. Yes, sir; I do.

Q. I wish you would explain to the committee so they can form some idea of what was done there at that time?—A. Agent Michelet sent out notices that allotments would commence on a certain date. And on Easter Sunday, I think it was, there was a file formed right in front of the office. Mrs. Lynch and her daughter were the first two and some other of their relatives. That was just about the time church was out, and afterwards a number of people went and joined the line, formed a line, and they remained outside all night until next morning; that line being composed of mixed bloods, mostly. Some of the full bloods complained about it. They made objections to that manner of making the allotments and Agent Michelet called some of the Indians, the mixed bloods, Mr. Beaulieu, Mr. Fairbanks, and some others, and told them they had to arrange matters so that the full bloods would have equal chance with them in coming in. There was considerable wrangling, and finally he told the mixed bloods, "If you don't arrange it I will take the thing in my own hands and fix it myself." So they went out again and it was agreed that they should come in, one full blood and one mixed blood would come into the office together, until evening. Chief May-zhuc-e-ge-shig, who was present with his wife, came in with Mrs. Lynch's daughter. They were the first two. Afterwards they came, as fast as two were allotted they would let them out by another door, and two others would come in, would be brought in.

As I was one of the employees, one of the clerks, I furnished identification slips which gave the name of the applicant, his roll number, his patent number, the name of his chief, and the number of his original allotment. That was for the purpose of identifying him, and the slip was handed to Mr. Perrault, who was acting as interpreter, and he passed it over to the Indian, who handed it over to Mr. Michelet. Mr. Michelet made the allotments pretty nearly all the first day. Then Michelet passed the slip over to the clerk at his right, who was, I think, Dan McDougall, and a description of the land was entered in the tract book; that is, it was checked off. I believe they started in by writing the names in pencil and then putting an "a" or "aa"; "a" was for allotment, and "aa" meant ad-

ditional allotment. There would be different allotments made. Many of the newcomers who took their allotments—the removals took their allotments right away, and that was entered and checked off on the tract book as "a," and when additional allotments were made it was marked "aa" and checked off onto those lists, so as to—so that when we checked the allotments over we would be sure to catch any mistakes made.

After that was done the slips were passed over to another clerk, who entered them on the application book. It went on that way during the first day, because we had plenty of help, but the second and third days there were visitors from the other agencies, who had come over to get their allotments; they had to return home, and I think the tract book was omitted then. We didn't enter on the tract book right away. That lasted three or four days, and afterwards there were many people who had made selections, they could not get their selections because they were allotted already, and it made it very difficult to do the work, so the agent said he would adjourn until later on and give the people time to select new lands—other lands.

Q. Now, what are these tract books that you refer to?—A. They are books sent from Washington, containing the descriptions of all the allotments, giving the townships and ranges and sections.

Q. When you made the entries on the tract books that you speak of now, was it in ink or with a pencil?—A. I think they made them in pencil that first day, because they didn't know possibly the department would call for the books and would, of course, make all the entries in ink themselves.

Q. Were there any changes made in the applications afterwards? Did any of the allottees come and ask for a change?—A. Well, sometimes they could come in and ask to have their allotments changed, because they had made a mistake or they had seen a piece—they had taken the wrong piece—they gave some excuse.

Q. And that was after the allotting had ceased, the general allotting, was it not?—A. Well, that was during the allotting; during that first day we allotted quite a number. They had made a mistake and wanted to change the allotment, and Michelet allowed them to do so; with some it was later on.

Q. Do you know of any collusion between Michelet and any mixed bloods there to get the best allotments?—A. I don't know of any.

Q. Do you know whether the mixed bloods, the old-settler mixed bloods, assisted the full bloods or not to get good allotments?—A. A number of them did; yes. I think chief May-zhuc-e-ge-shig's allotment, or his wife's allotment, was a description that was given to him by a mixed blood.

Q. Do you know which mixed blood it was?—A. No.

Q. Do you know whether Agent Michelet gave the Indians—the full bloods, I mean—pine-timber allotments; did he make any selections for them?—A. Well, I don't know.

Q. Do you know whether his farmer did so?—A. Some of his men did; yes, sir.

Q. Who was the farmer at that time?—A. I think Theodore Beaulieu—your brother.

Q. The one generally known as "Coffee Beaulieu"?—A. Yes.

Q. Did he not furnish a great many pine-timber allotments to the full bloods?—A. That is as I understood it.

Q. Do you know anything about the appraisals that were made afterwards, after these allotments of the land were made, or filing the allotments of the land?—A. For the Government?

Q. For the Government?—A. Yes.

Q. Who had charge of the appraisal?—A. It was a special agent whose name I don't remember now.

Q. Was it not Davis?—A. Davis. Yes; that was the name.

Q. Immediately following that appraisal by the special agent, did you not hear of a plan to sell the allotted timber on the White Earth Reservation similar to that that is now being used and was being used at that time, and known as the Wisconsin plan?—A. That is what I understood.

Q. Was there any considerable excitement among the allottees on the reservation as that became known?—A. Yes; there was a great deal of excitement.

Q. And they were generally opposed to the proposition, were they not?—Yes; they were.

Q. And did you learn whether anyone went and saw Senator Clapp about this matter?—A. I do. I heard it.

Q. Do you know who those parties were?—A. I believe Mr. Ed Warren was one and yourself and Ben Fairbanks, B. L. Fairbanks.

Q. Didn't Mr. Ed. Warren go to see Mr. Steenerson?—A. I think he did.

Q. And you don't know whether he saw Senator Clapp or not, do you?—A. I do not.

Q. Do you know what the result of that conference was with Senator Clapp?—A. Well, at that conference, as I understood it, they made representations to the Secretary of the Interior to have the sale suspended or stopped, or something, for there was only 30 days' time given.

Q. Were you there when the sale afterwards took place?—A. I was in the office.

Q. And do you know who was present, which companies bid on the land?—A. There was some Wisconsin company—Mr. Herrick, and there was some representative of the Nichols-Chisolm Lumber Co., and I believe another company. There were quite a number. I don't remember all their names.

Q. Was not Weyerhaeuser represented there?—A. Yes; he was represented. He had the Pine Tree Lumber Co.

Q. And what was the final result, if you know?—A. The final result was that it led to the passage of what was known as the Clapp amendment.

Q. Do you know whether the Clapp amendment originated on the reservation or away from the reservation?—A. Why, I think it originated away. The mixed bloods asked for some way of being relieved from Government control—having their property taken away from Government control—and then came the Clapp amendment.

Q. The mixed bloods wanted to get control of their allotments, did they not?—A. They wanted to get control of their allotments.

Q. And it finally resulted in this Clapp Act?—A. Yes, sir.

Examined by Mr. BURCH:

Q. I observe, Mr. Morrison, that you made a sort of a classified distinction between the mixed bloods and full bloods. Now, I want to

ask you if that is not partly a mere designation of a figurative character, without foundation in fact? In other words, I want to ask you if in the faction on the White Earth Reservation which is denominated full bloods there are not a great many mixed bloods?—A. Well, amongst what we used to call the full bloods there are quite a number of mixed bloods.

Q. On the other hand, among the mixed bloods—what are denominated as mixed bloods—there are quite a number of full bloods, so-called, are there not?—A. I don't think so.

Q. Now, speaking about White Earth, do you mean to say that the people who have acted usually in harmony—I mean about White Earth, the agency, there are not more or less people who consider themselves full blood, but take part with the mixed bloods there?—A. I don't think so.

Q. You don't know any?—A. No.

Q. Your acquaintance has been so long now—since 1870—that it is important for this committee possibly, and certainly important for us, to know. You would give the impression then, that among the faction supposed to be headed by the Beaulieus and Fairbanks about White Earth, there are practically no full bloods?—A. Well, there are some full bloods, there must be some full bloods among them, but then when we call a man a mixed blood we know he is a mixed blood.

Q. Well, I am not speaking so much of the mixed bloods as I am of the full bloods. Now, what I want again to challenge your attention to, is this: Among those people around about White Earth who are supposed to belong to the Fairbanks-Beaulieu wing or faction or party or whatever name you wish to give it—do you wish the committee to understand from your observation that there are practically no full-blood Indians?—A. Well, I couldn't say, because they may have some full-blood friends; no doubt they have some.

Q. What is your opinion? Give us your very best opinion on that subject.—A. I believe they have full-blood friends also amongst the full bloods.

Q. What do you call "friends"—supporters, active supporters, sympathizers, participants with them, or do you mean merely—keep quiet.—A. Sympathizers; but who keep quiet?

Q. Then, actively, so far as your opinion goes, that wing of mixed bloods stand alone, while over at the Pine Point wing, or so-called full-blood wing, there are quite a number of mixed bloods among them?—A. Quite a number; yes, sir.

Q. That is all if you feel that you are well grounded in that. Now, there are some tract books you testified to that were made. Was there more than one?—A. There were three or four.

Q. Describe the book.—A. A book about that long [indicating], about that wide [indicating], and about that thick [indicating].

Q. A bound book?—A. A bound book—cloth binding with leather corners.

Q. Instead of indicating, please state the dimensions of this book.—A. About 2 inches thick or 2½, about 12 or 14 inches wide, and about 16 or 17 inches long.

Q. You say they had a book of that kind there at the time?—A. They had all of them.

Q. They had all of them there?—A. They had three, I think.

Q. Now, when they made the entries upon that book at that time, who made them?—A. I think it was McDougall.

Q. Alex or Dan?—A. Dan McDougall.

Q. Alex didn't come in there until a long time afterwards, did he?—A. No; Alex was in charge of the application books, I think.

Q. At that time?—A. At that time.

Q. Then both the McDougalls were in there at the time of the allotment, were they?—A. Yes, sir; yes, sir.

Q. Are you pretty sure of that?—A. I am pretty sure they were.

Q. They are relatives of the Beaulieu family?—A. Why, I don't know. I don't think they were.

Q. Are you?—A. No, sir.

Q. At that time were there four relatives of the Beaulieu family, four of the Beaulieu family or their immediate relatives in the office there, working?—A. I think that Mr. Theodore H. Beaulieu was in the office.

Q. Was he the only person that was a relative of the Beaulieus in the office—in the employ of the agency?—A. Why,there was Mr. Theodore B. Beaulieu, he was the farmer.

Q. Yes; these two. Now, give us the rest of the Beaulieus or their relatives.—A. I don't remember that there was any of them.

Q. Well, you couldn't say definitely about that? There might have been and you not know it?—A. Well, I would have known it, but I wouldn't remember them.

Q. You are not a relative at all?—A. No, sir.

Q. Now, the entries in these books—do you think that you saw those books before they were used at that time, before the allotments?—A. I saw them before the allotments.

Q. They were clean sheets, were they?—A. No; they were sent from Washington to have all the original allotments entered in them, the names, and the date of the approval of the Secretary of the Interior.

Q. Original allotments?—A. All original allotments. There was no other penciling in there at all; no other writing.

Q. But each of these tract books have more or less entries or original allotments in them?—A. Oh, yes.

Q. They had come from Washington?—A. They had come from Washington.

Q. They were in ink or pencil?—A. They were in ink.

Q. All of them?—A. All of them.

Q. Now, they were never opened until that morning?—A. Oh, they were opened; they were laid out on the table and opened then.

Q. Yes; I know they were then.—A. It was a record book, you know, for the facts, and anyone wanting to see something in it would come and look over it.

Q. Yes. Now, Mr. Morrison, do you say that there were no entries made in those books before the allotment began, other than those that had come from Washington?—A. That is all there was.

Q. You are quite sure about it?—A. Quite sure.

Q. Well, now, as a matter of fact, were there not a good many entries made before the rush began?—A. Yes, sir.

Q. Of what class of Indians?—A. Of all classes.

Q. Now, I don't mean original allotments; I don't mean original allotments; I mean allotments in full.—A. Additional allotments?

Q. Well, including both.—A. There was nothing.

Q. Were not the Mille Lac Indians—lots of them——A. Yes, sir.

Q. (Continuing.) Allotted 160 acres previous to the time when the allotting of the additional allotments began?—A. Yes, sir.

Q. Well, were not those in there?—A. Just one check; it was just a little bit of a check.

Q. Those additional allotments?—A. Yes, sir. They were allotted on the plat book.

Q. You remember, for instance, Tom Skinoway; he was a Mille Lac Indian, was he not, and he got his allotment in advance? And this Indian chief, Wah-wah-yea-cumig, he had his allotment beforehand, didn't he?—A. Yes.

Q. Before there had been any additional allotments and before that Easter Monday morning?—A. Yes, sir.

Q. And all the notation there was to those was a little check?—A. little check. They were allotted their lands on the plat book, and that was marked "a"—or, rather, the original allotments; there was a red line drawn around the subdivision.

Q. Original allotment—80 acres, or whatever it was?—A. Yes; and the original number of his application.

Q. Now, that is on the plat book. Now, I am coming down to the tract book.—A. That was not entered on the tract book.

Q. So, then, you say that these books were made up there at the time—that is, different entries were made in pencil, or otherwise—were made as the allotments proceeded?—A. Yes, sir.

Q. In addition to those which the Government had when they came in?—A. Yes, sir; only that was in pencil.

Q. Who had charge of these books?—A. Dan McDougall, I think, was attending to them—was making the entries in them.

Q. No; I mean, after the allotment was, as you term it, practically over, who had charge of these books? Who had the custody of these books? All of you?—A. Pretty nearly all of us. In other words—well, I will tell you plainly that they were not used then, because there was not force enough in the office to do that work.

Q. But did you all have access to them—A. We all had access to them; they were in the safe. The safe was open and anybody could take the books.

Q. Well, then, if anybody wanted to make an alteration in them—I mean, now, these tract books—after the active season of allotments had been closed, when a crowd was there, any of the clerks who went in there could have made changes?—A. Well, they would have had to make the change on the application book and on the identification slip before, and on the plat.

Q. Precisely. Now, if they had made changes in the application book, would it be just changes of the stubs, or changes of the applications themselves? These application books contained the application blank—blank application—that is, originally, and a perforated line and a stub next to the folding part of the book, did they not?—A. Yes.

Q. Now, did you ever see those stub books?—A. I have had the care of them.

Q. Would you then of necessity have known if anybody had erased characters in the stub books and written over those characters?—A. Yes.

Q. And written in ink over the original entries in them?—A. Yes.

Q. And you would have known of it?—A. Yes.

Q. You know that did not occur on the stubs—now, not on the original application—but on the stubs?—A. I don't think it did; no.

Q. You would say, then, that there was no scratching out and writing over on these application stub books?—A. No; I would not say that, because I have done it myself.

Q. Oh. Now, that is what we want to get at.—A. Yes; I done it myself, at the request of the parties, the allottees.

Q. The allottees?—A. Yes, sir.

Q. Well, then, do you mean to say that the allotment made at that time was not a final allotment?—A. Well, they asked for a change of their allotments. One man would say, "This allotment is not the one I wanted to get." I would refer it to the agent, and if he allowed it, it went in, and we made the change.

Q. In other words, a man who had drawn an allotment, if it did not please him, by going to Agent Michelet, he could get the allotment changed?—A. Yes.

Q. Could he get it changed if anybody else had the land that he wanted? Suppose the land had been assigned to some one else already—could he get that land?—A. No; no, sir.

Q. You know for certain that that never was done?—A. Well, I know, for certain, it was not done; yes, sir—without the consent of the man who had the allotment first.

Q. You feel pretty sure of that?—A. I feel pretty sure of that; yes, sir.

Q. Well, now, suppose, for instance, an application was made by, we will say, Mr. Steenerson, and when it was sent in to Washington and rejected—you perhaps know of that fact, of the circumstances?—A. Yes.

Q. And it came back. Will you tell me how the persons got it—relatives of Mr. Beaulieu got that land?

Mr. BEAULIEU. He has not said that relatives of Mr. Beaulieu got that land.

Q. Well, I will ask him who got that land after Mr. Steenerson—after it was rejected?—A. I could not say that; I don't remember.

Q. Well, do you know that the minutes of that land were furnished by Mr. Beaulieu?—A. No; I don't know that it was furnished by Beaulieu.

Q. You don't know who got the land eventually?—A. No.

Q. Well, that is only a sample that I have used for illustration. You don't know, and I don't want you to know, if you don't know. Do you mean to say, then, or imply, that the allotment, as made at the time, providing the party does not like his bargain, can be changed to a different description? That is, he can take another description of land, by consent of the agent?—A. Yes, sir.

Q. Well, now, how would you manage the change on the stub of the original blank? You had those in charge. How did you make that?—A. Well, I erased, I scratched them off, until—Mr. Michelet told me, he says, "Why, I would not do that; I would just draw a red line across them, with ink and pen, and write in between the lines, because they might some time make a handle of that same erasure to give us trouble."

Q. Well, now, would the party have to present the original application when you did that, and would that be changed simultaneously with the stub?—A. Why, the application remains right in the office; it remains right on the stub; it was never detached.

Q. Those had to be forwarded to Washington, didn't they; the applications?—A. No, sir.

Q. No original applications were ever forwarded to the department?—A. Not to my knowledge.

Q. Always kept there?—A. Always kept there in the office.

Q. And what was forwarded to Washington—a list of the allotments to be approved?—A. A list of the allotments; what is called a schedule of allotments.

Q. All the original applications, then, were left right there? Now, suppose an Indian, whose English name was John Smith, drew an allotment at the time of the allotting—that is, at the time the ranks were formed there and the excitement was on—well, he drew an allotment and it was unsatisfactory to him, and he met a man dealing in lands who was willing to purchase that allotment from him, and did, and that man would come to Mr. Michelet and prevail upon him to change that allotment for a better one—now, I mean the purchaser, the grantee of the application—by presenting that application assigned to this party——A. I don't believe he could do it.

Q. You think that was never done?—A. I don't think it was ever done.

Q. How long did you remain there?—A. I remained until July, 1907.

Q. That was two years after——A. Two years after the commencement of the allotments.

Q. Do you know that it has been done to this day; until this day?—A. I don't know; I don't know.

Q. Do you state positively that to your own knowledge that was not done during the entire term of Mr. Michelet and continued to some extent until now?—A. Michelet remained in office a year after I left.

Q. As long as you stayed there, you say that was not done?—A. That is my belief, so far as I know; to the best of my knowledge.

Q. Minutes were furnished to some of these parties to draw allotments, were they?—A. Some of the mixed bloods, and I don't know but perhaps some of the white men also made a business of going into the woods and looking at the timber. Some of them went and looked up the tracts, looked up the lands, and they made minutes of them; afterwards, when the time of the allotting came, they would sell those minutes to outsiders, people who were not able to go.

Q. Sell their services as cruisers?—A. They would sell their minutes.

Q. The results of their cruising?—A. Yes.

Q. Did you notice any full bloods buying those; that is, any of those in the full-blood line?—A. I did not. I was in the office, and those deals were made outside.

Q. As they came in, did you see any minutes in the hands of full bloods?—A. Oh, yes.

Q. What?—A. Yes.

Q. Many?—A. Oh, not many; no. Quite a number of them, though.

Q. How did the full-blood line compare in length with the mixed-blood line?—A. I think it was not quite so long.

Q. Not quite. Was it one-third as long?—A. It was probably half as long. I can judge of that only by what passed when the agent said, "Well, we will stop allotting to-day," he says; "No use to have these people stay out of doors all night. We will issue them numbers and call them in and let them go through"—I mean come in at the front door and go out at the other door—"and give them numbers, and to-morrow morning at 9 o'clock we will commence the allotments and call them by numbers." And they came in in the same way—one full blood first and then one mixed blood; then the full-blood line was not so long. I gave out the tickets myself.

Q. If the full bloods had been supplied with minutes, as well as the mixed bloods, they would have drawn alternately choices of good pine, wouldn't they?—A. Yes, sir.

Q. Did you ever take occasion to examine those allotments of pine, as to the values, that were made early in the day; that is, early in the allotting?—A. I did not.

Q. You would not know, then, whether there would be a difference, a wide difference, between the class of allotments generally given to the full bloods and the class generally given to the mixed bloods during the earlier periods of the allotting?—A. Some of the full bloods got very good claims; just as good as any of the mixed bloods.

Q. Now, were they not the particular full bloods who lived right around White Earth; or did you examine them with reference to that?—A. No; I did not.

Q. You did not take notice of that situation, at all?—A. No.

Q. You could not state, you say, what proportion——A. No, sir.

Q. All right. Now, it seems that Coffee Beaulieu, that Theodore B. Beaulieu, as I understand it—not Theodore H.—was farmer at the time?—A. Yes.

Q. At that time?—A. At that time.

Q. A salaried employment?—A. Yes.

Q. Of the Government?—A. Yes.

Q. And do I understand you to say that he took occasion to cruise lands, and give minutes to friends of his?—A. I remember that the agent called Coffee in, more than once, and says, "Have you anything that you can give this fellow—this Indian?" Mostly in the case of women, old women, full bloods.

Q. During the progress of this——A. Yes, sir.

Q. And Mr. Beaulieu—did he respond?—A. Yes, sir.

Q. Then, in fact, as a Government officer, he had cruised land on Government pay, and was furnishing to persons designated by the allotting agent minutes that he had previously prepared?—A. Well, I think he was doing that, and that he was told by the agent to look up some lands for them.

Q. Told by the agent to look up lands?—A. Yes; for these old people.

Q. You are sure it was all cases of old people?—A. Well, there might be some others—not very old; the agent called him for the old people.

Q. Well, in your opinion, would there be any reason why the old people should have good allotments, in preference to the young people?—A. Just on account of their old age.

Q. Yes; exactly. And that was the idea that the agent had in making this allotment, that he would be benevolent to the old people?—A. Yes, sir.

Q. He would be kind to the old people?—A. Yes.

Q. And he would furnish them minutes of good allotments——A. With these notes.

Q. Which would operate against the young people; is that it? That is, the young people would take their chances without such knowledge?—A. There was quite a number of people who came in with probably 8 or 10 descriptions, and they asked first for an allotment, and that tract was given, and then sometimes all the descriptions that they had that would constitute good allotments were gone—disposed of. Well, they were all young and old there, and these young people without Coffee's descriptions, who were damaged a little, were just in the same class as those others who were there with 10 descriptions and did not get any of them.

Q. Now, I confess, you do not make your statement clear to me.—A. Well, perhaps.

Q. And I will have to ask you to either go over it or put it in some other way. I do not quite comprehend what you said in the last answer. [To the reporter.] Will you kindly read it to me? Maybe I can catch it the next time.

Answer read.

Q. I can not quite comprehend what you mean by these old people without descriptions were damaged just the same as the young ones who had descriptions.—A. Other old people who did not ask the agent to furnish them with an allotment.

Q. I can not quite catch it yet. Perhaps I am dull this afternoon. The old people you say were damaged by the circumstance that all the minutes were taken; is that it?—A. Just as much as the young people.

Q. That the minutes were gone?—A. Yes, sir.

Q. That is, all that they had minutes for were gone?—A. They were all in one class.

Q. Do you mean to confine yourself to such minutes as "Coffee" Beaulieu gave them?—A. Well, I didn't——

Q. We do not seem to get our minds together, and I wish we could, I am very anxious about it. Possibly the chairman might, if he cared to clear up this matter, do better than I. I don't seem to be able to understand the witness. Well, never mind, we will go on without it. Did any other person besides Theodore B. Beaulieu, the Indian officer, do any of this cruising and furnish any of these minutes? I mean among the agency employees now?—A. I don't think that any of them did.

Q. They had cruisers, didn't they, in the employ of the agency?—A. No; the others had cruisers in their employ.

Q. No; I don't mean people who sought allotments. I mean at the agency—that is, had Mr. Michelet, for the Government, any other persons capable of cruising in the employ of the agency except Mr. "Coffee" Beaulieu?—A. I don't think so.

Q. Then he was the only one who had these advance minutes of good pieces, who, at the dictation of Mr. Michelet, gave them to such persons as Mr. Michelet designated, of the older class? Were there any others?—A. I believe he was the only one.

Q. How many applications did Mr. Beaulieu have to give out—how many pieces had he looked over?—A. I can't tell you that here.

Q. Can you, approximately? Not exactly, but approximately?—A. As I stated in the beginning, my work was to prepare the identification slips; that obliged me to refer to the rolls and the index and the schedule. I had in my case all that I could do to keep up with it.

Q. Can you tell the committee how long Theodore B. Beaulieu was connected with this work—in cruising in advance?—A. I could not say.

Q. This occurred on Easter Monday. Was he out during the winter or the fall previous?—A. In the spring.

Q. Only just in the spring?—A. Just in the springtime.

Q. Do you know a man by the name of Gardner up there?—A. Charlie Gardner?

Q. Well, yes, probably.—A. I knew him; yes.

Q. Had not he cruised these lands or assisted in cruising these lands?—A. He may have.

Q. He was not in the employ of the agency at the time you speak of?—A. I don't think so; I don't know.

Mr. BEAULIEU. You mean I. T. Gardner?

The WITNESS. It must be I. T.

Mr. BEAULIEU. Yes; that is the man.

The WITNESS. I don't know that he was in the employ of the agency.

Q. Do you know that he was not?—A. I know he was not.

Q. Do you know a man by the name of McKaig?—A. Yes, sir.

Q. Was not he an employee of the agency?—A. Occasionally.

Q. Was he a cruiser?—A. He was a cruiser.

Q. Now, do you know whether or not he cruised any of these lands in advance?—A. Well, he might.

Q. Well, now, either of those persons—I will include the two Gardners and McKaig—did they pass the result of their cruisings into the hands of Michelet?—A. Not that I know of.

Q. Do you know that they did not?—A. No; I don't know.

Q. In other words, if they had done so you probably would not have known of it?—A. Might not; yes.

Q. If they had cruised the lands in advance while in the Government employ for the purpose of learning which were the best pieces and had passed their minutes after such cruising into the hands of Theodore B. Beaulieu or Michelet for the purpose of using them at the time of the allotment, you would not have known of it?—A. No, sir.

Q. And you can not tell how large a number of such cases occurred through Theodore B., or "Coffee" Beaulieu, as he was known, at that time?—A. No, sir; I could not.

Q. Can you tell any of the parties that were thus favored?—A. No, sir.

Q. Or designate them, rather?

Mr. BEAULIEU. I object to that. He said he did not know.

Mr. BIRCH. I think that is a legitimate inference to draw, that they were favored by these minutes.

Mr. GRAHAM. Well, they had the advantage of the minutes.

Mr. BIRCH. They had the advantage of the minutes, therefore——

The WITNESS. I don't know who they were.

Q. You simply had no—you do feel positive that they were of the class—that is, the old and unfortunate ones?—A. Yes, sir.

Q. Who had not a fair show with the younger and more fortunate ones?—A. Yes, sir.

Q. But still, the fact you are positive about?—A. Yes, sir.

Q. Can you tell how long that lasted—that Mr. "Coffee" Beaulieu was passing out these minutes by the direction of Mr. Michelet?—A. I don't know; I can not tell. The first allotments lasted four days, I think—three or four days.

Q. Well, did you notice that it continued most of the time during that four days whenever these unfortunate ones came in?—A. I didn't notice that part of it particularly.

Q. When was it that it occurred, in the early or in the later allotments?—A. In the early ones.

Q. Was it during the first day?—A. There might have been some the first day.

Q. Not the second day, that you noticed?—A. I could not tell you just which day it was.

Short recess.

Q. Mr. Morrison, I want to ask your attention to the two Gardners and McKaig, and ask you again if you have any knowledge that proceeding this allotment on Easter Monday, 1905, they were attached, either regularly or occasionally, to the agency as cruisers—had cruised and had turned in minutes to Mr. Michelet of the pine that was allotted?—A. I know that Mr. McKaig was occasionally employed in looking after the "removals," going out to show them.

Q. I did not ask you about the "removals." I want to know about the pine.—A. Well, it may be possible that he allotted some pine lands.

Q. To the "removals," you mean?—A. To the Mille Lacs "removals," and it is possible that he might have given Mr. Michelet some information. I do not know.

Q. Now, respecting the Gardners—this was previous to the allotments on Easter Monday?—A. Yes, sir.

Q. Now, what about the Gardners? What was your knowledge in respect to that question?—A. Well, I know they were cruising around, but I didn't know they were on the irregular-employee list.

Q. Occasionally, you mean; in the sense of being on the occasional-employee list?—A. Yes, sir.

Q. You don't know that or you don't know but that they were?—A. I don't know that they were.

Q. You have no knowledge of them, then?—A. But I know them.

Q. Yes; I know—I understand that. Well, now, you know Frank Smith, an Indian?—A. Frank Smith?

Q. Yes; an Indian.—A. Yes, sir.

Q. Who was a policeman at one time?—A. He was a policeman.

Q. Do you know of his being a cruiser also?—A. Yes, sir.

Q. Before the allotment?—A. Well, perhaps. I don't know.

Q. When did you say he went there?—A. He was cruising for this Mr. Davis—after the allotments were suspended.

Q. Well, but do you have any knowledge of his being a cruiser in the Government employ before the allotment?—A. No, sir; I do not. No, sir.

Q. You did not go there until 1905?—A. 1905.

Q. Did you know him at that time?—A. Oh, yes.

Q. Had you ever been there a previous time—that is, in the service of the agency at a time previous to the 1905 experience?—A. I was; in 1896.

Q. But away back?—A. Yes, sir; away back.

Q. Along from 1900 to 1905?—A. From 1901 to 1905 I was in the service.

Q. Did you know that Frank Smith was a policeman there?—A. Yes.

Q. Was that during your time, too?—A. That was during my time.

Q. And if Frank Smith cruised for the agency in 1902 or along in there, you did not know it?—A. No.

Q. You didn't know his book had been turned in to Mr. Michelet?—A. No, sir.

Q. Well, then, if you don't know, no need of asking. Can you give me. approximately, the number of allotments made the first time?—A. Why, I think it would be something like 75 or 80.

Q. Now, the marks in pencil in this tract book were all made the first day, were they, by Michelet himself?—A. No; not by Michelet.

Q. By whom?—A. By one of his clerks.

Q. Which one?—A. Dan McDougal, I think.

Q. And the only absolute marks on allotments were made during the first day?—A. Well, they might have been made during the second day also.

Q. Do you know how many allotments were made the second day?—A. No; not exactly.

Q. Well, approximately? Not to a man, but approximately?—A. Somewheres about 100.

Q. Did you ever examine that tract book?—A. Yes; I have examined it.

Q. Since that time?—A. Not since I have been out of the office.

Q. No; but since the time of the allotment?—A. Well, before—when we made out the schedule of allotments we had to check them against the tract book and the plat book, and of course, probably as I was in charge of that part of the work, I probably saw it.

Q. Now, if there were at least 500 allotments there in pencil marks on that tract book, what would you say then?—A. That would not surprise me.

Q. I understood you to say that they were all made—the pencil allotments were all made the first day and after that they were made in ink. Now you say there were 75 the first day or perhaps a hundred?—A. I think that that "aa" was made right along during the first spell of allotments and probably the second also.

Q. "aa" with ink or in pencil?—A. In pencil.

Q. No; but the names of the parties written out in pencil, the first 500, what would you say to that, that you are mistaken or what?—A. That I might have been.

Q. That you might be mistaken?—A. I might be mistaken; yes. If the applications, according to the stubs, for the first four or five days of the allotment amounted to only 400, and that if there was 500 or 600 or 700 names put in as on the tract book for the first day, I was mistaken.

Q. Now, Mr. Morrison, these applications for allotments, were they made right there on the spot and signed by the Indians as they came in? A. The first few days, yes.

Q. The first how many days?—A. The first few days.

Q. Now, they were put in in the regular order, were they not?—A. They were; they stayed right in the books.

Q. One following right after the other as nearly as possible?—A. Let me——

Q. Very well, if you wish any explanation, make it.—A. It seems that the applications for the allotments were made pretty quickly, pretty rapidly because all of the applicants knew what they wanted and they went right in and told the man in charge of entering the applications the descriptions on the application book; you could not keep them near——

Q. But they were numbered serially, were they not—1, 2, 3, 4?—A. Not the identification slips.

Q. No, I don't mean——A. Well, the identification slips had descriptions of the allotments on them and that was entered on the application.

Q. I mean the stub book, and the application of the first person who presented there for allotment was the first stub and the second person's was stub No. 2, was it not?—A. Stub No. 2; yes.

Q. Well, that is what I want to get at. Now, is it true that they were allotted alternately, beginning with the mixed-blood line, then taking one from the full-blood line, and then one from the mixed-blood line, and so on; is that the way it was done?—A. The first allotment was made to May-zhuc-e-ge-shig's wife.

Q. No; I guess it was a little girl by the name of Lynch?—A. She was the first one of the mixed blood.

Q. But, yes—— A. I think maybe the little girl's application might be No. 1.

Q. Well, generally speaking, they absolutely alternated?—A. Yes, sir.

Q. Who formed these two lines, the full bloods in one line and the mixed bloods in the other?—A. The agent went out and told them to form in line, to have all the full bloods to the left and all the mixed bloods were in a line on the right side of the gate.

Mr. GRAHAM. How many allottees were waited on at once? When you speak of the two coming in and alternating, did one have to wait until the other one was disposed of, or were there clerks enough to handle two at a time?

The WITNESS. Oh, no; one at a time, but two went in to the table. As soon as two were at the table two more were called out.

Q. These lines were formed by choice of the people themselves, and those men who considered themselves full bloods went into the

full-blood line and those who considered themselves mixed bloods went into the mixed-blood line?—A. Yes, sir.

Q. They were not formed by command of anybody; that is, nobody had a right—— A. Oh, no.

Q. No agency man had a right to take a man out of one line and put him in another?—A. No.

Q. Then they formed according to their own notion. Now, if during the first few days of that allotment it should appear that on an average three mixed bloods appeared in the serial column to one full blood, what would you say about that?—A. That would not surprise me at all.

Q. But I thought only one went from one set and the next from the other set?—A. Yes.

Q. And so they alternated down the line?—A. Yes.

Q. And how could it be—if it is so—I don't ask you to say it is so, but if it should appear later that at least three from the mixed-blood line were averaged to one from the full-blood line, how would you account for that?—A. That would be easily accounted for.

Q. Now, that is what we want to learn.—A. I stated before that the allotments were kept up until about 4 or 5 o'clock, when Mr. Michelet said he would stop the allotting for that day, and to save these people remaining outdoors all night we would issue them tickets—numbers. This I did myself. They were called in. Of course there would be a full blood and one mixed blood come in, and when the full-blood line was exhausted then they all got tickets——

Q. Just there, one moment. My question is not predicated upon that. I say, if, from the beginning, as long as the full-blood line lasted there were at least three mixed bloods allotted in the serial way to one full blood, what would you say to that?—A. That would not surprise me, because it is very likely that some who have since called themselves mixed bloods were at that time calling themselves full bloods, and they went in with the full bloods.

Q. I see. Then that is the way you would explain that?—A. That is one way.

Q. Any other way?—A. Why, possibly, the man who entered the applications—the descriptions on the application—would come to a family where it would show two or three, of the same name, we would enter them one right after another in the book.

Q. Were not they entered on the applications or stub book just as they made their entries?—A. I said a little while ago that at one time they came in so fast I could not enter them as fast as they came in.

Q. Would you call that fast—75 in an afternoon and 100 the next day?—A. Well, when you have got to make the allotments that is pretty fast.

Q. Well, all right; I won't press that.—A. Well, the first day everyone was green at the work.

Q. Now, you said that when these books came from Washington they contained nothing but the original allotments noted in them, the description of the land appertaining to that allotment, and the name of the party to whom the original allotment had been made, and the description of the other unallotted lands. Are you sure you examined those books the last thing the night before or on the forenoon of the allotting day—that is, Sunday night or Monday morning?—A.

Well, no; it would be an impossible thing for a man who has other work to attempt to take the trouble to go through those three books and examine every page to see if there is anything else; but there would be no occasion up to the time—up to that time—to make any other entries in the book, because we did not know in the office whether it was for us to make any entries there; that is why the names were put in pencil afterwards.

Q. That may be begging the question. I want to know your knowledge. If you can state positively, of your own knowledge, that none of these pencil allotments—additional allotments—had been written by any person in that tract book until in the afternoon of Easter Monday you began making allotments?—A. To the best of my knowledge and belief, there was not anything in there.

Q. Now, is that knowledge and belief based upon an examination of the books at that time?—A. Yes. That is, on opening a book—naturally when you open a book you take hold of it so that you can see a great many pages at once.

Q. You did not examine every page?—A. No; you could not.

Q. Well, now, that is enough on that score. Now, supposing a person purchases an allotment of an Indian, after it had been made, without knowledge on the part of the Indian agent or the persons in the office, and the purchaser should induce the Indian to come and ask—that is, the allottee to come and ask—if it could be changed, might not that have been done?—A. The Clapp Act came into force, if I am not mistaken, on the 1st of July, 1906.

Q. 1906?—A. Well, 1906. Nobody came to make those changes after that time that I know of.

Q. Before that—after that time, or before?—A. After.

Q. Very well. But before that time—I mean between the time of the allotment on Easter Monday, 1905, up to the 1st of July, 1906, a period of 15 months, or thereabouts, 14 or 15 months—could that have been done; could that change have been made?—A. We had no right to sell——

Q. I know——

Mr. GRAHAM. The answer is hardly responsive, Mr. Morrison. Notice the question, and answer it right out.

Q. Suppose they contracted in advance, and did that? I see your point; but suppose they contracted and really agreed to sell in anticipation of the passage of the Clapp Act, could that have been done?—A. That could have been done—the allottee could come in and say, "I would rather not have this piece; I would like another piece."

Q. All the while he might have contracted to sell it to somebody else?—A. They might; but——

Q. Do I understand you to say that when a single member of a family entitled to additional allotments had been allotted, that there was some practice while this was going on of putting together—that is, grouping together—the other members of the family for allotments?—A. I say it might have been done that way.

Q. Then, do you mean to have it understood that the whole family would be allotted right along at the same time, or that their allotments would be grouped in the same place in the book?—A. That is what I mean; they would be grouped together in the book.

Q. The families?—A. Yes.

Q. If the original allotments were not made at the same time, now, how would they manage that?—A. If they were made at the same time, and if there would be a number of English names, they would be easier to read, and he would take advantage of that to expedite the work and keep up.

Q. That could only be by omitting to fill in the names of some members of the family, having them on some side paper, or keeping them on mere memoranda until the others were all allotted—of that family?—A. Oh, no; no.

Q. How could it be done? How could you make those entries and group them in that way, if it was not done that way?—A. Well, I think I can explain. You take a mixed blood who has an English name, and that Indian has an Indian name, and where the man is crowded with work he can dispose of those English names and he can enter these English names much faster than the Indian names; so that he takes and fixes up all the applications that have English names on and enters them right away.

Q. In the tract book?—A. Not in the tract book; in the stub book, the application book.

Mr. GRAHAM. And have not most of the mixed bloods Indian names as well as English names?

The WITNESS. Oh, most of them have.

Mr. GRAHAM. And the Indian name is noted, as well as the English name, in the tract book?

The WITNESS. Not always, amongst those—they have Indian names for all the mixed bloods, and then mention them by the names——

Q. The point I want to get at is, did they enter a whole family at one time, and how could they do it, if they were not all allotted at one time?—A. No; they did not, and they could not, because, I think, that day the allotments were limited to one allotment to a person, in order to expedite matters——

Q. Well, that is an answer to that. How long did Mr. Michelet keep that allotment business on hand, then, from the time the first allotment was made to the time when he transmitted the allotment schedule to Washington for approval?—A. Well, the schedule was sent to Washington in 1907, in the spring of 1907.

Q. Well, the allotments had been made in 1905?—A. Some of them in November, 1905; yes.

Q. How did it come that Michelet kept those allotments on hand all that time before he sent them to Washington for approval? Do you know?—A. Why, the allotments were not complete. People would not come in to take them.

Q. They are not yet, are they, to-day?—A. Well, those who were on the roll at that time, pretty nearly all of them have their allotments, except one or two, perhaps.

Q. You mean those that were on the roll of the original allotments?—A. No, on the White Earth roll at that time, on the agency roll, the community roll.

Q. Pretty nearly all of them took allotments?—A. Yes, up to the spring of 1907.

Q. You are positive about that?—A. Pretty certain.

Q. He was just holding it, and holding up all these parties for the two years, all this great number that had taken their allotments

immediately, so as to get the whole thing together, was he?—A. That was the instruction, I believe, from the department.

Q. His instructions, you say?—A. I think so.

Q. Did you see them?—A. I did not see them, no.

Q. Did you hear him say so?—A. I heard him say that we will hurry up and finish the allotments, so that we can send them on to be approved.

Q. Don't you know, as a matter of fact, that he submitted several different rolls, one supplemental to the other, after he began to submit them in the first place?—A. He submitted just one—it was the first supplemental allotment, that referred to the first supplemental original allotment. Then there was the additional allotment, and afterwards there was another one, the second additional allotment: that was after I went out of the office.

Q. Now, during that time, while that allotment schedule was there, and had not been sent to Washington for approval, were any people engaged in making contracts with the Indians for their lands, the lands that had been allotted to them?—A. Possibly they were, but I don't believe that they made any contracts except for the timber.

Q. Well, that is what I mean. For timber. That is what I mean, for the timber, not lands—I will put it for the timber. The timber had been allotted on Easter Monday and following. Two years afterwards the allotment schedule was sent in for approval. Now, during these two years from Easter Monday, 1905, to April, 1907, were persons busily engaged in making contracts with the allottees for pine timber?—A. After July, 1906, I believe there were.

Q. After July, 1906. Then they had from July, 1906, until April, 1907, to purchase timber before the allotment schedule was sent in? Did you ever hear any orders being given there that no person should be allowed any information out of the office?—A. Yes, sir; that was the instruction.

Q. Did you ever know of any information being really given out to any person, notwithstanding the instructions?—A. Well, that instruction was, if I remember right, about the inherited lands.

Q. No; not about them—that no information should be given about inherited lands—but after the allotments were made and you had the books showing who were the allottees, that were not sent in then, were there orders there that no one should receive any information as to who got this and who got that, and to whom was allotted this land or that?—A. I don't know.

Q. You don't know of any such instructions?—A. No; I don't know of any such instructions.

Q. Do you know of giving out information to any companies or individuals for that purpose?—A. The allottees themselves would come in and ask for their descriptions, but the companies did not come to me; if they came to anybody, they didn't come to me.

Q. Well, suppose, for instance, Mr. Gus Beaulieu should come in there and ask for the description of Mr. John Smith's allotment, what allotment he got—that is only an instance, now, that is purely fanciful; it has no reality, it is only used for illustration.

Mr. BEAULIEU. There is no evidence here that Gus Beaulieu did that.

Q. Remember, I am only using that for an illustration. John Smith, instead of Gus Beaulieu, that would be better. If John Smith should come in there and ask for information as to what description George Brown was allotted, would it have been given him during that period?—A. Possibly.

Q. Was it the custom?—A. No, sir; not at all.

Q. Would it have been a violation of any rules?—A. I don't know that it would.

Q. If such purchases were made after July 1, 1906—between that time and the time when the allotments schedule was sent in—the persons would naturally make those purchases then at their peril?—A. When it came to purchasing pine, the intending buyers were pretty careful to send cruisers out.

Q. But about the allotment, how did he know that the department at Washington would approve the allotment schedule? He might be buying something and not getting it, in such case as that, wouldn't he?—A. I understand that the law is that when the land is allotted it belongs to the allottee.

Q. That is true; but there were changes. You admit that there were changes made after the Indians—when they came and requested it? That could not have been true, could it?—A. Well, as I understand it, that is the way the law is.

Q. If George Brown was the sixth allottee that Easter Monday morning, his name was put down for certain lands, certain descriptions of lands. Do you say that would not have been changed; that that was final?—A. That could have been changed.

Q. Well, that is what I mean. How many instances were there, in your opinion?

Mr. BEAULIEU. He has not said anything like that has been done.

Q. Well, I am asking the question. I think it has.

Mr. GRAHAM. Well, just add to your question "if any." The question assumes there were some, as it stood.

Q. Well—"if any."—A. I don't know how many.

Q. Now, I will go to another subject. Do you remember such a thing as a roll, under which there was divided the money acquired from the sale of the dead-and-down timber in 1905, 1905 or 1906—community payment, coming from the sale of the dead-and-down timber in 1905? That would be after the allotment?—A. Well, I remember there was a payment made, and that is all I can say.

Q. You don't remember there was a roll, made at that time, kind of a roll made at that time, for the purpose of making those payments?—A. That was made for their payment?

Q. At that time was the Indian asked, when he came to get his check, whether he was a full blood or a mixed blood? I mean that definite roll now, that community roll—so that his status of a mixed blood—certain letters were put down "I" for Indian in red ink and "M" for mixed blood?—A. Oh, no; not at that payment.

Q. You desire to state postitively that there was no such?—A. I don't think there was anything of that kind done at that payment.

Q. Did you see a roll where such entries were made in red ink?—A. I remember making calculations of my own and putting on such letters.

Q. In red ink?—A. Yes; but that was for only my own satisfaction.

Q. What was your purpose?—A. Oh, I just wanted to know how many was on each side of the mixed blood——

Q. When was that made?—A. It must have been in 1905, about.

Q. Who saw that, of the agency people—agency officers—at that time?—A. Why, everybody that had access to the rolls saw it.

Q. Then they did go to it for reference, did they?—A. I don't think so. I don't know so.

Q. In what maner did you determine who were full or who were mixed bloods?—A. I asked Mr. Joe Beaulieu.

Q. You got your information wholly from Joe Beaulieu?—A. Wholly.

Q. Not of your own knowledge?—A. Well, of course, those I know positively, I did not have to ask about them.

Q. Was there a later roll made, with the blood status upon it, by somebody there a year later?—A. 1906?

Q. About the time the Clapp Act had passed.—A. The department instructed Mr. Michelet to get the genealogy of the Indians, as much as possible, and enter that on a book; that was a book sent for that purpose.

Q. Did he do it?—A. And he started in to do it; and afterwards he found out that it was impossible to do that right at the agency: he had to go and visit the families.

Q. He, or who?—A. Well, somebody.

Q. Who went?—A. Nobody went. Let me tell you——

Q. I beg your pardon; go on.—A. Then there was a blank, a paper, with a whole list of questions, to ascertain who were the fathers and mothers, and so on, and their blood, and this was put into Dan Morrison's charge, and it was his business.

Q. You are the same man—it was put in your charge?—A. Oh, no: D. S. Morrison: he is another man.

Q. What are your initials?—A. George A. And every Indian that came in to get his payment was sent over to him, so as to give his status, as near as he could, and then he got a ticket, to go over and get his pay.

Q. That roll that Dan Morrison then made up differed very largely, did it not, from this roll previously made; that is, it showed a very much larger per cent of the mixed blood and a very much smaller per cent of the full blood?—A. I don't know, because they were never compared, and that roll that contained the "I" and "M" was not anything official.

Q. It was made on Government time, was not it?—A. No, sir.

Q. Made out of hours by you?—A. Out of hours.

Q. What was your purpose in making it?—A. I just wanted to know for my own information whether there was much increase in the two classes since the treaty of 1889, or not.

Q. Were you figuring in dealing in lands or anything of that kind?—A. No, sir; there was nothing thought of.

Q. You had no ulterior motive—just curiosity?—A. No; I just wanted to know, just for myself.

Q. Was that tract book ever sent to Washington, to be written up as to the additional allotments?—A. Not that I know of.

Q. Were the instructions to make up their schedule of allotments from that tract book?—A. I don't know.

Q. Why should you put that "I" and "M" in red ink on a Government community pay roll?—A. Oh, well, that was the office copy, sort of a blotter, we called it, and it did not make any difference.

Q. Now, when you had prepared it, just for your own information and from your own desire to know how things were as to the blood status of these Indians, how did it come that that was used—that very roll, prepared for the satisfaction of your own curiosity and for your own private purposes—made use of for the payment of that annuity of the Indians? How did they come to use that roll that you had prepared in that way?—A. I don't think they used it for that annuity; that had been made first.

Q. Don't you know that the Indians signed that very roll—signed their names on that very roll—when they got their annuity?—A. Yes.

Q. Didn't they?—A. Yes.

Q. Well, then, how did it come to be used officially if you prepared it for your own private use?—A. Well, that was made after that payment.

Q. It was made during the payment, wasn't it, if they signed the receipt?—A. They signed the receipt?

Q. I mean signed the rolls.—A. That "I" and "M" were put on later.

Q. How does that tally with your statement that you made up a roll for your own private purposes? Did you think it was proper?—A. No; I put that "I" and "M" there for my own private purposes.

Q. On a Government roll that had been used and that had receipts and Indians' names signed to it? Did the agent know of it?—A. I don't know. He probably saw it afterwards.

Q. Now, you desire us to understand, then, that for your own private purposes, without directions from anybody, you took up a roll that had been used for the payment of annuities and that had the names of the Indians signed, each in receipt of his annuity, and out on words there—I mean letters—indicating the information which Joe Beaulieu had given you as to the blood status of these Indians, except where you knew about the Indian yourself?—A. That is what I done; yes.

Q. Did you ever make or sell any copies of that roll?—A. No, sir.

Q. Did you ever make or sell any copies of extracts from the tract books?—A. No, sir; and I did not make any copies for my own use, either.

Q. Did you take any away with you?—A. No, sir.

Q. Did you know of anybody else who did—connected with the agency?—A. Not of my own knowledge.

Q. Did you hear of anybody else who did?—A. Oh, I heard of some; yes.

Q. Who were they?—A. I heard of Mr. Van Meter having a copy.

Q. What position did he hold there, then?—A. He was chief clerk.

Q. Did you hear of his selling the information contained in that to anyone else?—A. No.

Q. Were those copies made on Government time, when he was chief clerk?—A. I could not tell you.

Q. You only knew he had them or heard he had them?—A. I heard he had them.

Q. Do you not know or did you not hear that he had Government clerks at the agency under him and, of course, under Michelet, make copies of these tract books and then take the tract books away?—A. I don't know about that.

Q. Did you hear of that?—A. I did not hear of it.

Q. Did you not, Mr. Morrison, see copies being made by other clerks of that tract book?—A. No, sir.

Q. You were interrogated about the Wisconsin plan by Mr. Beaulieu, if I remember. What was that Wisconsin plan, do you know?—A. The way it was understood up there, that land was sold, or the pine, and that money kept in the agent's hands and doled out in small amounts.

Q. To the Indians?—A. To the Indians.

Q. Under separate allotments?—A. Yes. The same thing was done about inherited lands at White Earth; they paid the money in small installments—first $10 and afterwards $5, and afterwards they quit altogether..

Q. Now, was that the only distinguishing feature of the Wisconsin plan?—A. Well, they complained also that—that was the report we heard—that they were paid in orders on a certain store that was owned by the company cutting the timber.

Q. Was that the only distinguishing feature?—A. Well, I don't remember. I didn't pay much attention to it.

Q. Anything about classifying the timber as dead and down, or something of that kind—dead timber or shingle timber—when it was really good pine?—A. No; I didn't hear of that.

Q. Now, who disseminated that information; who gave it out?—A. Well, various people who came from there; some of the White Earth mixed bloods went up to Wisconsin and worked for the lumber companies.

Q. Do you remember the names of any of them?—A. Oh, no; I don't.

Q. That was the way the information had come up?—A. I think so.

Q. And the complaints were, then, that under the Wisconsin plan, so called, they gave store orders on the company—that is, on the purchaser's store—and the other matter you mention?—A. And beat them on the scale also.

Q. Well, might not all three of these features be features that could exist under any plan if they sold the timber; I mean, if one person or one company bought it?—A. Well, probably it could be.

Q. It was not a plan, but it was a sort of an individual overreaching, you might say; an overreaching of the company, or was it embodied in the contract; was that so stated? I mean the contract with the Government for the purchase of pine; was there any such——A. I don't know; but they complained that the money was held too long by the Government, was under Government control too long.

Mr. GRAHAM. What did the Indian do with the store order when he lived at White Earth and was working in Wisconsin?

The WITNESS. Well, that was the way it was worked in Wisconsin; but it was not proposed at White Earth.

Mr. GRAHAM. I know; but you stated that White Earth Indians went to the Wisconsin mills to work.

The WITNESS. When they came back they brought the reports.

Mr. GRAHAM. The question is, Were they paid in store orders?

The WITNESS. They were paid in store orders there.

Mr. GRAHAM. And what did they do with the store orders?

The WITNESS. Used them up.

Mr. GRAHAM. But their families were at White Earth?

The WITNESS. Yes, sir.

Mr. GRAHAM. And how would they get the goods from Wisconsin to White Earth?

The WITNESS. They would not get them over to White Earth—principally Indians who had no families at White Earth.

Mr. GRAHAM. Then, I ask the question: What could they get with the store orders; a young man without a family couldn't eat up all his earnings?

The WITNESS. Oh, what he couldn't eat he would give away.

Mr. GRAHAM. Do you mean that he did give it away?

The WITNESS. Oh, yes.

Mr. GRAHAM. Are you familiar with the arrangement over there in Wisconsin at these company stores?

The WITNESS. No, sir.

Mr. GRAHAM. You don't know what values they gave for the money?

The WITNESS. I don't know, sir.

Mr. GRAHAM. Well, didn't the Indian get any money at all? Did he get all his earnings in store orders?

The WITNESS. Oh, I presume he did get part money.

Q. Which do you regard as best for the seller of timber, the bank scale or tree estimates?—A. The bank scale is generally called the best. It gives the seller the most money.

Q. Then how would it be, in your opinion—which would be best for the Indian, the bank scale at $11 per thousand or tree estimates at $9 per thousand?—A. The bank scale would be the best if the scalers were honest.

Q. And likewise the tree estimate would be the worse if the scaler was dishonest? I mean if the estimator was dishonest?—A. Sure; yes.

Q. The question of honesty might as easily, or more easily, affect tree estimates than it would bank scales, wouldn't it? The one could be detected easier; that is, the bank scale could be dishonest and the bank scale could be more easily detected than dishonesty in the tree estimates?—A. It could be, but at the same time the man who makes the tree estimate is oftentimes mistaken.

Q. And the man who makes the bank scale is oftentimes dishonest?—A. Yes.

Q. Sometimes the man who makes the tree estimate is dishonest too?—A. That makes it still worse.

Mr. GRAHAM. Is there any rule in making tree estimates as to which side he usually makes the mistake on?

The WITNESS. Well, it is generally on the side of the lumberman.

Mr. GRAHAM. That is, it favors the lumberman?

The WITNESS. As a general thing it does, because they have to allow for punky timber and rotten timber, and so on.

Q. To be sure that their allowance is sufficient?—A. Yes.

Q. Now, if Herrick & Co., or Herrick, were to make a joint scale on the bank, with the Government estimator, or some other man scaling with Herrick or for Herrick, and offered $11 per thousand feet as the scale on the bank, and Nichols-Chisholm Lumber Co. offered $9 per thousand by tree estimate, which, in your opinion, would be the best?—A. Well, you have that "if" there.

Q. Yes.—A. "If" Herrick or his men were honest in their bank scale——

Q. With the Government man right alongside of them—I put that in; two scalers operating together, one for the Government and one for Herrick—and were honest in their scales?—A. If they were all honest, of course Mr. Herrick's price was the best offer.

Q. Now, suppose Nichols-Chisholm simply sent out cruisers of their own and estimated, and made the offer upon the basis of their own estimators, what would you say about the chances there?—A. If they sent out. I understand their way was to send two estimators, and where an estimator was in doubt, Mr. Nichols would go himself, or send his brother, to especially investigate the estimate of that tract.

Q. And, they being men of great honesty—that is, I assume that is what you mean—their estimate was assumed to be correct?—A. Assumed to be correct.

Q. Well, I guess that answers my question; that is all.

Mr. BEAULIEU. Have you the tract books here, Mr. Burch?

Mr. BURCH. It seems not. Mr. Linnen thinks they have been sent back to White Earth. They ought to be gotten if you want to see them.

Mr. BEAULIEU. They were used at Minneapolis. We ought to have them here.

Mr. GRAHAM. Did you notify them?

Mr. BEAULIEU. No; although, as a matter of course——

Mr. BURCH. It is not a great matter; we can send for them.

Mr. BEAULIEU. Can we send for them to-night and have them the first thing in the morning?

Mr. BURCH. Yes; so Maj. Howard says. There is no disposition to suppress them, or anything of that kind.

Mr. BEAULIEU. Mr. Morrison, can it have been possible for an allotment to have been changed after the allottee sold his land?

The WITNESS. After the allottee sold his land?

Mr. BEAULIEU. Yes.

The WITNESS. Yes; it could be possible.

Mr. BEAULIEU. Well, how would they have proceeded to have made that change?

The WITNESS. They would have to make a special request from the agent—ask permission to change, and give the reasons for it.

Mr. BEAULIEU. No; but after he had sold his allotment?

The WITNESS. He could not do it himself unless he could overreach the agent. Suppose the agent didn't know anything about it, or nobody in the office knew that he had sold his allotment, he could make the exchange.

Adjourned until 9 a. m., Wednesday, February 14.

X

WHITE EARTH RESERVATION

No. 26

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 14, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

FEBRUARY 14, 1912.

GEORGE A. MORRISON recalled.

Examined by Mr. BEAULIEU:

Q. Mr. Morrison, do you know whether a roll was ever made of the White Earth allottees that defined their status?—A. Well, it was not a roll. It was their personal testimony put on separate sheets.

Q. By whom was it made?—A. That was done by Dan Morrison.

Q. Under whose instructions?—A. Agent Michelet.

Q. Do you know whether Michelet got any instructions from the department or not?—A. I think he did.

Q. And when?—A. I think the last instructions was during the summer of 1906.

Q. Now, were not those rolls the means by which persons who wished to purchase allotments of land were guided?—A. Well, I don't know whether they were guided by them. It was a roll that would have guided them.

Q. Did people not frequently call up the agent's office for information?—A. Yes; quite often.

Q. Well, that was almost a daily occurrence, was it not?—A. Oh, yes.

Q. Do you know of any person that was assigned to the work of answering—giving information that was needed by those who wanted to purchase the lands?—A. No, sir.

Q. No particular person?—A. No.

Q. Do you know whether any fault was found by any of the allottees who sold their timber or land prior to the arrival of Inspector Linnen and Special Agent Moorhead?—A. Well, I don't know that.

Q. You never heard that anyone stated that he was a full blood, who had sold his land as a mixed blood, prior to that time, did you?—A. No, sir.

Q. Have you ever heard whether there was any inducement made to an Indian to declare himself a full blood?—A. I have heard of it; yes.

Q. What have you heard about that?—A. That they were told if they proved that they were full bloods they could get their lands back.

Q. And after that, did they not commence to declare themselves as full bloods?—A. That is what I understood.

Q. I understood you to say yesterday that Tom Skinoway and Wah-wah-yea-cumig had gotten their original and additional allotments before the allotting was commenced on April 24, 1905.—

A. They obtained their original allotments, but not the additional. No one obtained the additional allotments until the opening of the allotments.

Q. I will ask you if any one sold information from the agency office with regard to the records? Was it not a fact that all those records were furnished by the county officers—by the Interior Department at Washington?

Mr. GRAHAM. That question is not a bit clear to me. It seems contradictory.

Question read.

A. They are furnished to the county officers from Washington and also to banks.

Q. For what purpose were they furnished to county officers?—A. For the purpose of taxing the lands.

Q. And it was easy to obtain a copy of those records from the county officers without buying them, was it not?—A. It was; yes, sir.

Q. Then speculators could not have any allotments—well, I should say in the schedules—speculators could not have sold with any chance of profit to anyone who wanted the information, could they?—A. No; because they could get it from the county officers.

Q. You stated you had been told that the Red Lake timber was sold for 40 cents a thousand. Can you give the name of anyone who told you that?—A. Mr. Henry Howe told me that he had bought a 40-acre tract and that it had cost him 40 cents a thousand.

Q. Is Mr. Howe a lumberman?—A. Well, he was doing some logging—some lumbering.

Q. Well, he was not a regular lumber owner, was he?—A. Not a big lumber owner; no.

Q. You spoke about the manner in which the allotments were made at White Earth. Was there not some fault afterwards found with the allotting of the lands as made?—A. Oh, yes.

Q. And did it result in an investigation?—A. Yes, sir.

Q. Who investigated the matter?—A. I think Special Agent Downs came to White Earth for that purpose.

Q. Do you know what the result was of the investigation?—A. Inspector McLaughlin was sent in afterwards as a result of the investigation before.

Q. And can you tell anything about Inspector McLaughlin's investigation?—A. Mr. McLaughlin held a number of councils and I think investigated in the office what had been done, and called for a general council.

Q. And did that council take place?—A. It took place at White Earth.

Q. I wish you would tell what you know about it?—A. The Indians were addressed by Maj. McLaughlin about this allotment, or these allotments, and then he wanted to know what was to be done about them—whether the allotments would stand as made or canceled altogether, and the question was put to a vote of the people, on a division of the house. Those in favor of having allotments stand as they were made were in a majority.

Q. And then the allotments were approved?—A. Afterwards they were approved.

Q. And do you know anything about an estimate that took place just prior to the McLaughlin council?—A. There was an estimate made of the timber by Mr. Davis, who was a school superintendent.

Q. And do you know under what authority he investigated the matter?—A. I don't know whether it was under orders from the Secretary of the Interior or from the Indian Office. I couldn't say.

Q. Did he go out there alone, or did he employ a force?—A. Oh, he employed a force.

Q. How large a force did he employ?—A. It consisted of quite a number of crews, 10 or 12 possibly. I don't think there was any less than 10.

Q. How long was he out there?—A. Possibly a month—probably less.

Q. I show you that advertisement; do you recognize it?—A. I do.

Q. I wish you would tell how you know it and how you happen to recognize it?—A. That was published, I think, in the Minneapolis Tribune, and I saw it in the Leecy Hotel and cut it out.

Q. When was that; what year?—A. That was in 1905.

Q. I wish you would read that.—A. (Reading:)

NOTICE.

PROPOSALS FOR PURCHASE OF INDIAN TIMBER.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., August 14, 1905.

Sealed proposals, plainly indorsed on the outside of the envelope "Proposals for the purchase of timber on the allotted lands of the White Earth diminished reservation" and addressed to the United States Indian agent, White Earth Agency, White Earth, Minn., will be received until 12 o'clock noon, central time, Tuesday, September 5, 1905, for the purchase of stumpage of all the merchantable timber of the kinds or classes hereinafter mentioned, standing or fallen, on the lands that have heretofore or may hereafter be allotted to Indians of the White Earth diminished reservation. It is estimated that there are 90,000,000 feet of white pine, 80,000,000 feet of Norway pine, 20,000,000 feet of jack pine, 35,000,000 feet of oak, 20,000,000 feet of elm, 15,000,000 feet of basswood, 10,000,000 feet of maple, and 5,000,000 feet of ash on the lands of the said diminished reservation. Each proposal must cover all of the classes above mentioned. Proposals for the timber should be at the rate per thousand feet. Any proposal not covering all of the classes mentioned will not be considered and the successful bidder will be required to comply in every particular with the rules and regulations approved by the Secretary of the Interior on August 7, 1905, prescribed in accordance with the provisions of the act of April 21, 1904 (33 Stats., 189–209), to govern the sale and cutting of timber on said allotted lands, and each and every bidder must inclose with his bid as evidence of good faith a certified check on some solvent national bank in the sum of $2,500, payable to the United States Indian agent, White Earth Agency. If the successful bidder fails, neglects, or refuses to comply with the terms of his bid within a reasonable time from date of notice of its acceptance or to furnish sufficient bond in a sum to be fixed by the Commissioner of Indian Affairs guaranteeing faithful compliance with the terms and conditions of such contracts as may thereafter be entered into by such successful bidder with the allottees of said reservation, the check deposited as evidence of good faith will be forfeited to the use and benefit of the allottees of the White Earth diminished reservation, Minnesota. The right to reject any and all bids is reserved. For full information, including a copy of the regulations, apply to the undersigned.

SIMON MICHELET,
United States Indian Agent.

Q. The advertisement is dated August 14, 1905, and it calls for bids for over 200,000,000 feet of timber on September 5, 1905, a little over two weeks from the time that they advertised. Do you think that it was fair to the Indian to have an advertisement appear for such a short length of time for the selling of a large amount of timber?—A. It was pretty short notice.

Q. It was a notice which would not have enabled any purchaser to have gone into the timber, anyone who wished to bid upon the timber, to have gone in and examined the timber, would it?—A. I don't think so.

Q. Do you know how extensively this was published?—A. I don't know. It appeared up to September 5.

Q. In which paper?—A. I think that was taken from the Minneapolis Tribune. I couldn't say whether any other paper had that same notice or not.

Q. Did you at the time look into the papers and examine whether any other paper had it or not?—A. No; I didn't.

Q. Was this matter not generally discussed upon the White Earth Reservation at that time?—A. It was; right there at White Earth anyway.

Q. And what effect did it have upon the people?—A. It created the impression that the department wanted to sell the timber from out of the hands of the allottees.

Q. Did you see anything at that time published in the White Earth Tomahawk regarding that matter?—A. I think I did.

Mr. GRAHAM. An article from the Tomahawk?

Mr. BEAULIEU. An article from the Tomahawk. At that time there were several articles, but I think I would like to introduce three or four in connection with Morrison's testimony.

Mr. GRAHAM. Voluminous?

Mr. BEAULIEU. No; just short ones.

Mr. GRAHAM. Well, we think you ought to connect that up in some way, to show that it is not merely the private opinion of the editor. For instance, you might ask this witness if it represented a considerable amount of public opinion at White Earth at that time. Give us some excuse for making it a part of the record. Much as we think of the Tomahawk, I don't think you should ask us to republish it all.

Mr. BEAULIEU. No; but it will show what the impression was, because it refers to the council that took place.

Mr. GRAHAM. When you say it shows what the impression was, it will show only your impression; or will you also show by the witness, to some extent at least, that it represents the public opinion there at that time? I think that might be an excuse for letting it go in.

Mr. BEAULIEU. Well, I will show it to the witness [handing witness copy of the Tomahawk].

Mr. GRAHAM. You will recall that when Mr. Marshall was on the stand at Minneapolis, he testified to an interview which he published in the Minneapolis Journal. He made proof that he was on the ground and that the article as written represented the facts as he gleaned them after careful observation. Now, make some sort of proof similar to that in this case.

Mr. BEAULIEU. Yes, that is just what I am going to do.

Mr. GRAHAM. Very well, the rule will still hold good if you do.

Mr. BEAULIEU. I want to ask Mr. Morrison to read this also [handing two papers to the chairman].

Mr. GRAHAM. Well, these two that you have submitted to me I think could go in without any further scrutiny. Is Mr. Morrison ready to answer?

Q. Do you recall whether the Indians took any steps against this sale or not?—A. They did.

Mr. GRAHAM. Will you let me see the paper the witness read?

Mr. Beaulieu hands paper to chairman.

Mr. BEAULIEU. The article of August 24, 1905, is the article he read.

Mr. GRAHAM. With reference to the article you read, Mr. Morrison, in the Tomahawk, dated August 24, 1905, headed, "Indians are active. They do not propose to leave a stone unturned to overthrow forestry." You have just read that article?

The WITNESS. Yes, sir.

Mr. GRAHAM. What do you say as to whether the facts set forth in it fairly represented the state of public opinion at White Earth at that time?

The WITNESS. Yes, sir; it does.

Mr. GRAHAM. Well, now, you don't care to read it at this time?

Mr. BEAULIEU. No.

Mr. GRAHAM. It may go in.

Q. Was it not the general impression upon the reservation that there was a pine ring in Wisconsin which had the support of the Indian Office at Washington?—A. It was so reported.

Mr. GRAHAM. Well, how do you show that report?

The WITNESS. Well, it was talked about on White Earth. Of course, it might have been talked about at other points, but I lived at White Earth at the time.

Q. And didn't Indian visitors from Wisconsin frequently come to White Earth at that time; and did they not discuss the matter with reservation people?—A. I so understood.

Q. And they found a great deal of fault with the manner in which their timber matters were being cared for by the Government, did they not?—A. Yes, sir.

Q. And was it on that account that the White Earth allottees opposed the proposed sale by the department?—A. Yes, sir.

Mr. BEAULIEU. I guess that is all.

Mr. GRAHAM. Now, these other newspaper articles; do you want them to go in?

Mr. BEAULIEU. I would like to put them in, and I am also going to introduce evidence.

Mr. GEORGE. At this time or later do you want this to go in?

Mr. BEAULIEU. Well, I don't know that Mr. Morrison knows anything about it.

Mr. GRAHAM. There are four issues of the Tomahawk before us.

Mr. BEAULIEU. I will ask one more question. Mr. Morrison, do you know whether or not a report had been circulated that the Wis-

consin pine right was trying to get control of the White Earth timber prior to the bids that they filed?

The WITNESS. It was the supposition at White Earth that the advertisement was published the way it was for their benefit—the benefit of the Wisconsin ring.

Mr. BEAULIEU. But do you know whether there had been talk on the reservation regarding the proposition that was afterwards published in the form of an advertisement?

The WITNESS. There might have been, but I don't remember.

Mr. GRAHAM. The four articles from the Tomahawk may go in here in their chronological order.

The following are the articles in the Tomahawk:

[The Tomahawk, White Earth, Becker County, Minn., Thursday, January 5, 1904.]

AN INDIAN AGENT IN TROUBLE.

WISCONSIN CHIPPEWAS CHARGE FRAUD—RECITE ABUSES, ASK GRAND JURY INVESTIGATION, AND APPEAL FOR RELIEF.

For years there has existed on the Bad River Reservation, Wis., a pine ring, which has turned out some first-class graduates, many of whom have since been turned loose on the Chippewa reservations in this State in capacity or in connection with the Chippewa timber operations under the Leech Lake Agency since Commissioner Jones's administration. Chief among these was Capt. Mercer, who left this State with an unenviable record.

The Wisconsin Chippewas make the following charges against their agent and other Government employees:

First. Charges of activity on the part of Indian Farmer Roger Patterson in behalf of the Stearns Lumber Co.

Second. Charges of trafficking, speculation, and usury preferred against Indian Farmer Roger Patterson.

Third. Charge that Roger Patterson, though drawing a salary from the Government of only $60 a month, has in nine years accumulated much property, the visible portion of which is estimated to be worth not less than $40,000, and a part of which consists of 600 acres of land on the Bad River Reservation, now on the tax rolls at the assessed valuation of $11,220, and another part of which consists of $10,000 of stock in the York Lumber Co., at Grafton, York County, Va.

Fourth. Charges that log scalers employed under Indian Agent Campbell favor the Stearns Lumber Co. and discriminate against the Indians for whom the timber is scaled.

Fifth. System employed by the Stearns Lumber Co. of making first payments on Indian timber in coupon books issued to the individual Indians and good only at the Stearns Co.'s store.

Sixth. Charges of trespass made against the Stearns Lumber Co. by John Carpenter and the Rev. T. C. Thomas.

Seventh. Charge that Assistant Indian Farmer Nobert Sero holds more than one office and draws pay for more than one service, and allege against him crimes of immoral nature utterly unfitting any man for a position to enforce the law.

Eighth. General conditions of the practice of issuing orders and allowing them to be discounted or purchased for about one-third of their face value.

Your petitioners further pray that the practice of withholding from all Indians, regardless of their intelligence, thrift, and industry, the individual moneys due on their timber be discontinued or at least modified, so that intelligent and deserving Indians may become independent.

Your petitioners further pray that when the grand jury investigation herein requested is completed a statement be issued by the commissioner of the individual and tribal moneys and the amount of interest accumulated.

Your petitioners would respectfully request and urge that when a grand jury is called the investigation be under the direction of a special district attorney appointed by President Roosevelt.

Signed at the village of Odanah, Bad River Reservation, Ashland County, Wis., this 26th day of December, 1904, by the following chiefs of the band after due and careful consideration in council.

JAMES DOOLITTLE.
GEORGE MESSINGER.
MOSES WHITE.
JAMES BLACKBIRD.
KI-MI-WAN.

[The Tomahawk, White Earth, Becker County, Minn., Thursday, March 23, 1905.]

THE WISCONSIN RING.

The notorious Wisconsin pine ring has its eyes on the pine timber on this reservation and is making efforts, backed by the recommendations of J. Farr, general superintendent of logging, to secure certain privileges here with regard to establishing a big sawmill for the purpose of buying and sawing allotment timber.

The Indians on this reservation have all the available facilities that are necessary in regard to saw mills and if the Wisconsin concern wishes to operate on this reservation it should take its chances with other concerns now dealing in reservation pine and other timber; no special privileges should be conceded to it upon anyone's recommendation.

The operation at Leech Lake are under the exclusive control of former employees and close associates of Wisconsin lumbermen, who have been operating on the Chippewa Reservations in that State, and recent disclosures lead us to believe it would be for the best interests of this reservation to keep the ring away from here if a square deal is desired with regard to allotment and other timber, unless an entire change is made in the personnel of the superintendents of logging now at Leech Lake, who would undoubtedly be transferred to this reservation in the event that the ring secures control.

[The Tomahawk, White Earth, Becker County, Minn., Thursday, August 24, 1905.]

INDIANS ARE ACTIVE—THEY DO NOT PROPOSE TO LEAVE A STONE UNTURNED.

TO OVERTHROW FORESTRY—THEY HOLD BIG COUNCIL AND WILL RESIST INTERFERENCE WITH THE ORIGINAL PINE ALLOTMENTS—A STRONG PROTEST OF FULL-BLOOD CHIEFS TO BE SENT PRESIDENT.

The full and mixed blood Indians of this reservation are certainly very much worked up over the manner in which the Secretary of the Interior has authorized the manipulation of and sale of timber on their allotments and the forestry scheme in relation thereto.

As announced in the Tomahawk last week, a general council of all the chiefs and headmen of the reservation was held in White Earth village last Monday, at which all phases of the allotment question were discussed and resolutions framed vehemently protesting against the sale of allotment timber on September 5 next, as is advertised in the Minneapolis Tribune, and also censuring general superintendent of logging, Jos. Farr, who is accused of being the instigator of the manner in which it is proposed to sell the timber for the purpose of favoring the Stearns Lumber Co. of Wisconsin.

Special Agent Downs and Agent Michelet were requested to attend the council, but the latter being sick he could not do so, and the special agent attended alone.

After the council had come to order, Mr. Downs was requested to read and explain to the assemblage the regulations approved by the Secretary of the Interior on the 7th instant, relative to the manner in which the timber shall be cut and sold. The special agent declined to read the instructions, but he explained to the Indians their purport, as he understood them.

It was quite evident to those who had read the regulations that the special agent had misconstrued them, and for this reason the following questions were propounded to him:

"Q. Under the rules of the Secretary of the Interior relative to the cutting of allotment timber, approved August 7, 1905, and the advertisement regarding the same, is it not a fact that one firm or bidder will secure all the timber on

this reservation, including pine, maple, oak, etc.?—A. I desire to impress upon your minds that the matter is entirely with you whether you sell your timber or not.

"Q. After a successful bidder has been awarded the timber, is it not a fact that the allottees of this reservation will have to sell their timber to him if they wish to sell it at all?—A. Another person can come in at any time, and if he offers more for the timber you can make a contract to sell it to him if he offers more than the person to whom the timber was awarded.

"Q. Is it not a fact that if a lumberman desires to purchase a certain tract of timber on this reservation within five years after the timber has been awarded to the successful bidder, he will be unable to buy it on account of the rules, even if he should offer twice as much as the successful bidder got it for?—A. I especially wish to call your attention to the fact that you do not have to sell your timber to anyone.

"Q. Is it not a fact, as implied by the rules, that the successful bidder will be given an unlimited term of years to cut and pay for the timber?—A. The regulations are the best evidence.

"Q. Is it not a fact that the rules provide for 'other' expenses beside those of scaling which will be paid from the funds of the allottees?—A. You need not sell your timber unless you want to.

"Q. Is it not a fact that the Commissioner of Indian Affairs may, under the rules, if he so desires, withold all the money belonging to allottees indefinitely and without giving them the usual $10 per month?—A. The rules are the best evidence.

"Q. Is it not a fact, under the rules, that a forestry reserve is to be created on this reservation which will include every allotment upon which there is any timber, standing or growing, and that a group of four trees will be marked by the agent of the Bureau of Forestry on every 400 feet of land for the purpose of this forestry reserve and will not be cut?—A. Yes; I think so.

"Q. Is it not a fact that extra labor and expense will be imposed on a contractor by the rules to clean the ground within a radius of 50 feet around each tree reserved for forestry purposes and will have to be taken into consideration by the bidder when he makes his bid, and thus necessarily the expense will fall on the allottees?—A. The rules explain that.

"Q. Is it not a fact that there will be a large expense placed on the allottees by the maintenance of fire wardens and their assistants, under the provisions of the rules?—A. Again refers to the rules."

It will be observed that the special agent gave evasive replies, or referred to the rules which he had refused to read and explain to the Indians.

It is unquestionable, however, under the rules just issued by the Indian Office, at Washington, that an Indian who wishes to sell the timber on his allotment must sell to the successful bidder at least five years at the price of the bid submitted on September 5 next, even if some other person should afterwards decide to give an Indian twice as much for the timber as may be offered for it on the date mentioned.

One of the difficulties with which the Indians are contending is the stand taken by an Indian minister, Rev. Chas. Wright, who, it has been learned, has written to the Commissioner of Indian Affairs and represented that the Indians here are perfectly satisfied with the manner in which the sale is to take place, as explained by Special Agent Downes, and it is strongly intimated that Mr. Wright is more favorable to the "pine ring" than he is to the interests of his own people. It is quite probable that there will be a time when he will be called on by the tribe to explain his present position.

A strong communication signed by the headmen of the Chippewas has been drawn and will be sent to the President.

Whatever may be the final outcome of existing troubles here, it is evident that the Wisconsin ring will not have a smooth time with the members of this reservation, even if they succeed in carrying out their schemes.

[The Tomahawk, White Earth, Becker County Minn., Thursday, December 14, 1905.]

INDIANS WERE IN THE GAME.

A Washington special to the Minneapolis Journal of the 2d instant states that some of the department officials are smiling over the manner in which some of the bids for the allotment timber of this reservation were made; that a high

price was placed on hardwood and a low price on the pine at the recent sale here.

Inasmuch as no injury was done to their interests, the Indians are also in a mood to smile over the final outcome of the farce, as it eventually turned out to be.

When the advertisement first appeared in the Minneapolis Tribune offering several million dollars' worth of timber for sale on a two weeks' notice, under the most vicious rules, it looked serious enough, for the allottees did not know the department was only fooling them and the lumbermen.

However, to try and overcome what was known among them to be a plan of the Wisconsin ring to secure the reservation timber which had been allotted to the Indians, under the same rules as those that are now being used on the Chippewa reservations in Wisconsin and under which the Indians there have been robbed, the Indians appealed to the Minnesota lumbermen to assist them to defeat the plan of the Wisconsin men. The latter readily consented, no doubt more for their own interests than those of the Indians, and they afterwards cooperated together with satisfactory results.

It looked at one time as though it was the Wisconsin ring and the department against the Indians and the Minnesota lumbermen. While the department officials may not have had any personal interest in the outcome of the deal, the influences of some of the field officials were undoubtedly thrown on the side of the ring, at least it looked that way to those who kept a close watch of the plan from its inception.

It took some strong arguments to convince the Washington authorities of the injustice of the whole deal, but as soon as they became convinced they immediately turned it down, and for this reason the Indians can now also afford to smile.

Examined by Mr. BURCH:

Q. You speak of information about these allotments being furnished to banks and county officers from the department at Washington, do you not?—A. Yes, sir.

Q. What precise character of information was that? In other words, was it a roll or list or schedule?—A. It was a schedule of the allotments. A copy of the schedule was used in some cases.

Q. Now, Mr. Morrison, how could the department at Washington furnish the banks and county officers a schedule of allotments when the schedule of allotments had not been sent to the department at Washington for a year and, approximately, three months after the allotments began? How could the department have had information which would have enabled it to furnish immediately such information? That is the idea.—A. Well, they were furnished after the schedule was sent in, but not before, because, as you say, they didn't have them.

Q. Then you don't wish this committee to have the impression that during the time preceding the forwarding of the schedule, the allotments, by Agent Michelet, that information was given out to the public? You don't want the committee to understand that information was given out to the public by the department at Washington during this year and three months?—A. I don't.

Q. Now, was that information given out by your office—that is, by the Indian agency up there—and to individuals, to banks, to anybody?—A. I think occasionally it was.

Q. To whom and in what manner?—A. Oh, the county auditor would inquire whether this man was a mixed blood or not.

Q. Who else? Which county auditor—Mahnomen or what?—A. Becker County. There was no Mahnomen County then.

Q. Any other bank?—A. Sometimes the Merchants' National Bank of Detroit.

Q. That is the Holmes bank?—A. The Holmes bank.

Q. And the other was the Annanson bank?—A. The Annanson bank.

Q. How about those bankers up the Soo Line; did they inquire?—A. They made inquiries.

Q. Did they get the information?—A. Well, Mr. Michelet instructed us "If anyone wants information refer them to me."

Q. How about the Nichols Chisholm Lumber Co.?—A. I don't know whether they got any from the office or not.

Q. Personally, you don't know?—A. Personally, I don't know. They never asked me for any.

Q. Did you hear to that effect?—A. I didn't hear that they got any.

Q. You well knew at that time Mr. Gus Beaulieu?—A. Yes, sir.

Q. And Mr. Ben Fairbanks?—A. Yes, sir.

Q. And Mr. John Leecy?—A. Yes.

Q. Did you ever see them in there?—A. Yes, sir; sometimes I saw Mr. Beaulieu; Mr. Fairbanks, hardly ever.

Q. Mr. Leecy?—A. Mr. Leecy, hardly ever.

Q. Were they there to get this information?—A. I don't know.

Q. Can you testify that they were?—A. I couldn't state that they were.

Q. You don't know whether information was furnished them about this or not?—A. Possibly it was.

Q. In furnishing these banks and county auditors and the other parties with such information, did the description accompany the name of the allottees—the description of the allotted lands?—A. I presume it would, if asked for, and the agent was willing to give it.

Q. Now, this was in the interim between the commencement of the allotments and the sending forward of the schedule of allotments to the department at Washington?—A. That was after July 1, 1906.

Q. Yes; between July 1, 1906, and the fall of 1907, when the allotments were sent to Washington?—A. The spring of 1907.

Q. Well, the spring, then; not quite a year—while there were 15 months, or thereabouts, between the time the allotments began—there was little less than a year between the time of the taking effect of the Clapp rider of 1906 and the time the allotments went forward; is not that so? That is, from July 1 until the spring of 1907?—A. It was nine months; yes.

Q. Well, now, that is what I want to get at. When the allotment schedule had not yet been confirmed by the Indian Office at Washington, because not received, they saw that, according to regulations, it allowed information to be given to anybody?—A. Well, let me state, I don't think there was any land purchased on the additional allotments; there were old allotments—the original allotments—that they commenced to purchase after July 1, 1906.

Q. But your answer is not responsive to my question. I asked you if the giving out of information relative to these additional allotments before they had been confirmed at Washington was not an express violation of the regulations of the Indian Bureau—the giving out of advance information?—A. Well, I don't think there was any information given about these additional allotments, because [illegible]as not called for, only by the allottees.

[illegible]hen, you don't wish this committee to understand that any [illegible]tion was given to those banks and the county auditor except

about the original allotments that had long been made?—A. That is all.

Q. Or was it the recent original allotments that had been made?

Mr. GRAHAM. Judge Burch, going back over the question, may I ask if information had been given you, would it have been a violation of the rules and regulations of the bureau?

The WITNESS. It might possibly have been, but I don't know what they were.

Mr. GRAHAM. Well, couldn't you state it more strongly than that? Is it not probable that it would have been?

The WITNESS. Well, it is possible; I couldn't say.

Mr. GRAHAM. Well, nearly everything is possible.

Mr. DENNIS. Please ask him, Mr. Chairman, if he ever saw any instructions not to give out this information.

Mr. GRAHAM. I think, as a matter of fact, his instructions not to give out this information came along after this. There were no instructions; everybody considered these records as public records.

Mr. DENNIS. I would like to know if he saw any such instructions.

Mr. GRAHAM. I adopt Mr. Dennis's suggestion. Up to that time had you seen any instructions with reference to giving out or not giving out information on that subject?

The WITNESS. No; I don't remember seeing any.

Mr. GRAHAM. Did you afterwards?

The WITNESS. Afterwards I did; yes.

Mr. GRAHAM. How long afterwards?

The WITNESS. Oh, a long while afterwards. I couldn't say just when.

Q. Mr. Morrison, don't you know, as an officer of that department, that it is a regulation of long years' standing that no advance information should be given out by any official of the Interior Department?—A. No, sir; I don't know that that is a standing regulation.

Q. You, then, as an employee of an officer of the White Earth Agency, didn't know of such a regulation and hadn't heard of it?—A. I knew that there was a regulation or an instruction forbidding the giving of information as to the "dead" allotments.

Q. No; I speak not of "dead" allotments.—A. Inherited allotments?

Q. I speak not of inherited or dead allotments, which I understand; I speak of a general regulation of long years' standing against giving out information in advance. In other words, what we call "advance information."—A. I don't know of it.

Q. You don't know of that?—A. No; I don't know of that.

Q. Haven't you heard it ever mentioned in your service?

Mr. GRAHAM. Is there any regulation that you knew of forbidding it? Is it fair to presume that it was done; that it has been done there at the agency?

The WITNESS. I suppose it was done; had been done.

Q. Now, one more question. Do you not know, have you not learned, that nearly all the timber acquired—that is, contracted by the Nichols Chisholm Lumber Co. from the allottee under the emancipation of the Clapp rider of 1906—was acquired by that company previous to the confirming of that schedule, a large portion of it?—A. I don't know.

Q. Do you not know that they were largely contracting for that lumber during that very nine-month period? Now, don't you know that of your own knowledge, Mr. Morrison?—A. I think they commenced in the fall of 1906.

Q. What time in the fall; do you know?—A. Oh, I couldn't tell what time; I don't know.

Q. Don't you know that Mr. Beaulieu, Mr. Fairbanks, and Mr. Leecy were agents for that company in procuring timber, and that they were active and had secured a large amount of that timber before the allotment schedules were sent forward?—A. Yes. I knew they were agents.

Q. You knew they were agents. Didn't you know that they were active in buying timber during that nine months?—A. Yes.

Q. And had secured large amounts?—A. They had.

Q. Well, that is all on that point. Now, Mr. Morrison, if practically all the allottees who sold or mortgaged their property, mortgaged it prior to the confirming, or sold it—this includes timber deeds as well as lands—prior to the time the allotment schedule was sent forward, what would you think was used as a guide to the purchaser in buying from them: what sort of blood status; how do you think they were guided in making those purchases?—A. From the appearance of the Indian or the seller, and by what he would say about it himself; his own statement.

Q. Yes. Then, you think that there was no information by this circular process—sending out circulars to the Indians to fill in—that that was not the guide of these purchasers, but that they were rather guided by their own judgment?—A. That is what I think it was.

Q. Then these purchasers were in no wise deceived by the Government, you think, or the information given out by the Government: that is, any of its employees, but just took their chances?—A. Yes, sir.

Q. If they purchased from children under age, or full bloods, then it is your opinion that they purchased on a chance.—A. Yes, sir.

Q. That they might lose afterwards?—A. They generally had affidavits.

Q. Oh, yes—affidavits; but they took their chances—they secured affidavits and took their chances? Now, one thing more: I want to know if it is not true that—I would like to ask you if you are positive that you know what the custom was about these Mille Lac Indians who removed prior to the beginning of the allotment, as to their allotment of 160 acres—do you think that you know about how that was done, and when?—A. Well, I was in the office; I know how it was done.

Q. You state that these Mille Lac removals didn't get more than 80 acres, or the original allotment, previous to the time that the additional allotments began that Monday?—A. They didn't get more than the 80.

Q. Then, if you should be informed that Wah-wah-yea-cumig and Tom Skinaway, and others, received 160 acres of very valuable pine, but never went to the allotment at all, and knew what they received previous to the beginning of the allotment, and if they had been allotted 160 acres, and not 80 acres, as you state, what would you say as to that? Would it be true or untrue: that is, if it was stated to

you that that was a fact, would it be true or untrue?—A. Well, sir, I would have to see their applications for the additional allotments.

Q. Now, I will put it to you in another way. Do you say that the Mille Lacs removals positively didn't get 160 acres assigned to them, including valuable pine, and those including both the original and additional allotments for them, previous to the Easter Monday, 1905?—A. It is my belief that they didn't.

Q. Is it your belief that they didn't come there personally, at any time, to participate in the allotment process? Now, that they didn't—the question is: Is it your knowledge or belief that they didn't come there personally to take part in that allotment?—A. I think that Tom Skinaway came, anyway.

Q. And Wah-wah-yea-cumig?—A. Well, I wouldn't swear that he did; but I think he did.

Q. That he came to take part like the others in the additional allotments?—A. I think so.

Q. Do you think the allotment books that were taken from the stubs, etc., on applications for the additional allotments, will show that?—A. They should.

Q. You feel pretty positive that such was the fact?—A. I think so.

Q. Have you sufficient knowledge, by reputation or by personal knowledge, of the purchases of the Nichols-Chisolm Lumber Co. to estimate the amount, the proportionate amount of their purchases of timber on the White Earth Reservation before the allotment schedules were sent to the department?—A. No, sir; I have no way.

Q. If I should state to you that it is claimed that two-thirds of all their purchases——

Mr. BEAULIEU. Now, cross-examine the witness; don't tell him.

Mr. GRAHAM. What is the point, Mr. Beaulieu?

Mr. BEAULIEU. I want him to cross-examine the witness—not make a statement and then ask him about it.

Q. If I should state that two-thirds of the purchases of the Nichols-Chisolm Lumber Co. of timber on the White Earth diminished reservation occurred previous to the time of the sending forward of the allotment schedules to the department, could you or could you not state whether, from such information as you had, that was true?—A. Well, I would hardly believe it.

Q. Yes. You would believe that that was not true?—A. That is it.

Q. That answer was perfectly responsive. I think that is all.

Examined by Mr. DENNIS:

Q. Mr. Morrison, would you say that there was anything wrong in the Nichols-Chisolm Lumber Co. or in myself buying a piece of land which had been allotted to an Indian before the schedule was approved by the Secretary?—A. Not necessarily so. I don't think there was anything wrong. The same process is followed amongst the whites.

Q. It is done, is it not, all the time?—A. Amongst the whites.

Q. In the purchase of these lands before the approval of the schedule?—A. Oh, it has been done.

Q. Do you know how long since the last schedule has been approved by the department?—A. No, sir; I don't.

Q. You don't know whether it has been three years?—A. I don't know.

Q. Do you know whether there is a schedule now in the White Earth office that has been there for three years that has never been transmitted to Washington?—A. I know that there are a great many allotments that have not been sent on to Washington yet, but I don't know for how many years.

Q. Do you know whether any of them have been sold?—A. I so understood.

Q. Is there anything mysterious or crooked about that, in your judgment?—A. I don't think so; no.

Q. Now, this original schedule of 1889 allotments which Mr. Dan A. Morrison worked upon and inserted the full-blood status of the allottee, was prior to 1905 or 1906, was it not?—A. I think it was 1906.

Q. That was before the passage of the Clapp Act?—A. That was before.

Q. And in the making of that schedule was there any apparent inducement to anyone to lie about their flood, the same as there was afterwards?—A. No, sir; there was not any then. That amendment was not dreamed of at that time.

Q. That roll also contained the date of the birth, or at least the age, of the party, prepared by Mr. Morrison?—A. Yes, sir.

Q. Then when a purchaser purchased land he was guided by the appearance of the seller and by his statements, as you stated in your examination?—A. Yes, sir.

Q. Was he also guided by witnesses who testified as to his blood status and the age status in some cases—A. Well, he was by ages.

Q. Was he also guided by this original schedule of allotments which showed the blood status and the age status in some instances? That original schedule of allotments contained the ages in 1889?—A. Oh, I didn't say that there was anything about blood status there.

Q. Well, but the original schedule, by the words "F" and "M," for a "full blood" and "mixed blood," as indicated in the schedule by Mr. Morrison?—A. No, sir; "F" stands for "female" and "M" for "male" on the Government rolls.

Q. Was that on the original allotment?—A. Yes, sir.

Q. But how is it on the additional allotment?—A. The same way.

Q. Are you sure about that, Mr. Morrison?—A. Yes, sir.

Q. On one of those schedules does not the letter "F" stand for "full blood" and "M" for "mixed blood," and on one of the schedules "F" for "female" and "M" for "male"?—A. Not that I know of.

Q. Do you know the date of the approval, Mr. Morrison, of the original schedule of allotments; the date when that was made under the act of 1889?—A. I don't remember it; no; that is in the tract book.

Q. Do you remember when the allotments were made?—A. The original allotments?

Q. Yes; the first one after the Rice Commission.—A. I think they commenced in 1890 or 1891.

Q. And is it not true that the schedule was never submitted to Washington for 10 years for approval by the Secretary?—A. I think so.

Q. The fact is, it was approved after July 1, 1900?—A. I think so.

Q. And we have had two schedules since that time in the 10 or 12 years. Is that true?—A. Yes.

Q. It has been stated, Mr. Morrison, that there are at least 2,000 diseased and starving Indians on the White Earth Reservation. Now, admitting that that is true, for the sake of this hearing, would you say that that condition has been caused by the treatement and injustice of the Great Father, and his officials in Washington, and their improper management of Indian business for the last 50 years, or is it a result of the Clapp Act?—A. Oh, I wouldn't lay it to either of them.

Q. What would you lay it to?—A. Just natural causes.

Q. It would be one natural cause, or any natural cause?—A. If an Indian is sick, he couldn't work, he couldn't earn his living. Then, if he is lazy, he has to go hungry.

Q. Do a great many of them go hungry?

Mr. GRAHAM. But that does not touch the question very closely. The question was, What are the causes of these diseases among them?

The WITNESS. That is one cause.

Mr. GRAHAM. Well, your answer was, if he was sick and he couldn't earn a living, and if he was lazy he would suffer for food, but you haven't made the connection yet. My understanding is that in this climate of yours consumption is not a prevailing disease and that it prevails only where there are some special causes; while pneumonia may be prevalent, common, consumption is not. Now, what has caused the disease to prevail so much among the Indians?

The WITNESS. I think that the change of the manner of living caused much of it. Formerly they used to live in wigwams, but after they commenced to live in houses they kept up a good many of their Indian habits. The woman would start off and go out visiting or shopping; she would take her baby and put it on her back, wrap a blanket or shawl around it to hold it on, and trot off at a dog trot, and sometimes she would meet a friend and stop and visit. The woman would not feel the cold, but the child might do so, and that would assist a great deal in the developing of lung trouble, and if that was not taken care of properly it would go into consumption.

Mr. GEORGE. But wasn't that done during the Indian days as well? Didn't the woman carry the baby on her back?

The WITNESS. Yes; but the babies were hardier; they were left practically all the time out of doors, but you have them used to living in a warm house and they are not quite as hardy as if they lived out of doors.

Mr. GRAHAM. Your answer confirms the views that I had, that when they lived in the wigwam consumption was very rare among them.

The WITNESS. Well, that is my belief.

Mr. GRAHAM. And that it came only with such civilization as they now have?

The WITNESS. Yes, sir.

Mr. GRAHAM. Well, going back to Mr. Dennis's question again, do you attribute, in whole or in part, the fact that they now suffer so much from consumption to the Federal Government in its treatment of them?

The WITNESS. No; I don't.

Mr. GRAHAM. Are you sufficiently familiar with their mode of life up there and their present arrangement to know to what extent it does prevail?

The WITNESS. No, sir; I don't know.

Mr. GRAHAM. Or whether it has increased or decreased?

The WITNESS. I don't know.

Mr. GRAHAM. Or whether there is now, and has been for some time, sufficient medical attendance on the reservation?

The WITNESS. Well, I think they have enough physicians there; but you can not treat an Indian successfully in his own house, and he should be in a hospital.

Mr. GRAHAM. Why?

The WITNESS. So that the nurses and physicians could follow their cases, their diseases, more closely, and see to it that they take their medicine in proper time and for proper treatment.

Mr. GRAHAM. To some extent, do they still follow their old customs about doctoring the sick?

The WITNESS. Oh, I couldn't say.

Mr. GRAHAM. Pardon me, Mr. Dennis, go ahead:

Q. Do you know that the Indians since 1870 have practically every winter sent delegations to Washington to interview the Great Father and obtain relief for conditions that they complain of?—A. Yes, sir.

Q. Do you know of anything that they ever got in that 42 years, directly?—A. Not very much; no, sir.

Q. Did they ever get any promises that you know of?—A. I have heard so.

Q. When an Indian was allotted his land, was there anything given the Indian to show what his allotment was?—A. Sometimes there was. If the person doing the allotting had plenty of time, had time to do it, he would give him a slip containing a description of the allotment.

Q. Well, that was the custom. Was it usually done?—A. It was usually done; yes.

Q. If the Indian lost that slip, could he go back and get another?—A. Yes.

Q. An Indian at any time could find the information about his allotment?—A. Yes.

Q. And was it the custom of the Indians to show that allotment slip to purchasers in selling the land?—A. I believe so.

Q. So that there was no necessity for a purchaser going to the agency office and bribing any official to find what allotment an Indian got?—A. No; it was not necessary.

Q. I believe you stated, Mr. Morrison, that you never saw any instructions to the effect that no information should be given out at the office at White Earth except on "deceased" allotments?—A. As to "deceased" allotments.

Q. Except as to that, there were no other instructions?—A. No; I don't remember of seeing any.

Q. Not up until the time you left the office, and you left in 1907?—A. In 1907.

Q. Isn't it true that the agency office books and records and documents were always considered as public information, the same as our courthouse records, except that the information would be asked for

instead of obtained by personally looking over the books?—A. I believe that was the way it was considered by the people of the reservation—by the members of the tribe.

Q. Well, did they ever, to your knowledge, refuse to give information, when it was properly asked for, to a person outside of the reservation?—A. I think so.

Q. Would they refuse to answer a letter from a lawyer in Detroit asking a description on a certain allotment on the schedule that had not been approved? For instance, do you think they would do that, or would they answer it?—A. I don't know whether they would or not.

Q. Going back to yesterday's testimony, Mr. Morrison, will you tell us what, to your mind, was the purpose of Agent Michelet in having his employee, Theodore B. Beaulieu, the farmer, giving these estimates of pine on certain tracts to certain Indians? Why did he do that?—A. I understood—I supposed it was to assist the Indian; to help him out.

Q. Did he favor any particular persons, as favoritism, or that might look as though it was for financial purposes or for a bribe?—A. No; I don't think so.

Q. It was more in the case where it was an unfortunate person who was unable himself or herself to obtain a proper description that he aided the Indian to that extent as a matter of charity?—A. As a matter of charity; yes, sir.

Q. Now, when this tract of land was selected for Mr. Steenerson, was it allotted on the books or was it reserved on the books, if you know?—A. I don't know.

Q. And do you know whether the chief, May-zhuc-e-ge-shig, filed the application as the first application before his own or not?—A. I do not know.

Q. You have not any recollection of the Steenerson applications?—A. I have no knowledge of them; no.

Examined by Mr. BEAULIEU:

Q. Mr. Morrison, you might take this book and look it through.

Witness examines book.

Mr. GRAHAM. Get the title of it, please, so it will go in the record.

Q. Do you recognize that book?—A. Yes, sir.

Q. What is the title of it?—A. That is called the tract book, containing the descriptions of the lands and the allotments in townships 145 and 146, range 38.

Q. Never mind naming the townships. Is that the tract book which refers to the allotments that were made upon the White Earth Reservation?—A. It is.

Q. Do you know at what time those allotments were made?—A. The original allotments were made from 1890 or 1891 to, I guess, the present date.

Mr. GEORGE. Are they all shown in that tract book?

The WITNESS. All those that were made to July 1, 1907, I entered in this book—all that I know of.

Q. And what time were the other allotments made, if any?—A. The additional allotments, do you mean?

Q. The additional allotments.—A. They were made in 1905, I think—April; I don't remember just exactly what date in April they were commenced.

Q. Were you in the Government service when those allotments were commenced—in 1905?—A. Yes, sir.

Q. You testified yesterday regarding some erasures that were made in the tract book. Is that the tract book in which those erasures were made—one of them?—A. Well, I would have to examine every sheet you know. [Witness examines book.] The erasures were pencil marks like "aa" or "ss" or No. so and so, written in here where the names should be.

Q. Were there not also some names erased?—A. There might have been.

Q. Now, look on page 25, the one that came to my special notice while I was looking over page 25.

Mr. GRAHAM. Is that one of the tract books that were covered by Mr. Linnen's testimony and report?

Mr. BEAULIEU. I believe it was.

Q. Do you see an erasure there that seems to have been made, by the name of Ida Beaulieu?—A. Yes, sir; right here.

Q. And was given to Nay-tum-a-gah-bow?—A. Yes, sir.

Q. And the description of the land was what?—A. It is the northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of section 14, township 145, range 38.

Q. Now, on the same page, doesn't Ida Beaulieu's name appear?—A. Yes, sir; it is here.

Q. As an allottee?—A. As an allottee.

Q. What was the description of the lands allotted?—A. The northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter, 13–145–38.

Q. Now, was there any erasure made there prior to the allotment made to Ida Beaulieu, that you can see?—A. It looks as though there had been a pencil mark there and erased, but——

Q. Now, how do you account for these erasures and changes?—A. I don't know how this happened, this change.

Q. Do you know who Ida Beaulieu is?—A. No; I don't know. I don't know who she is.

Q. Do you know who Nay-tum-a-gah-bow is?—A. I don't know him.

Mr. GEORGE. Mr. Beaulieu. Who is Ida Beaulieu?

Mr. BEAULIEU. I have just learned who she is, but she is a daughter of Norbert Beaulieu. He is a brother of Theodore H. Beaulieu.

Mr. GRAHAM. What is the relation to you? That is the way we can locate him best.

Mr. BEAULIEU. Well he is distantly related, and he is also my brother-in-law, he has the same name but it is his daughter—I am told, I don't know—there are two Ida Beaulieus I presume—now, Mr. Carl has just told me there are two Ida Beaulieus—the Beaulieu family is a pretty large family.

Mr. GRAHAM. Was there originally more than one Beaulieu family, or are they all descended from the same stock?

Mr. BEAULIEU. Originally, away back about two centuries ago.

Mr. GRAHAM. So all the Beaulieus here in Minnesota are likely to be related?

Mr. BEAULIEU. Yes; very distantly related.

Q. In looking over the book, do you notice any more erasures?—A. The pencil writing, or——

Q. Either pencil or pen?—A. Oh, there are erasures of pencil marks right in there [indicating] and right in there [indicating].

Q. Do you know how those erasures were made or why they were made?—A. I stated yesterday that they were made to indicate that the lands were allotted; "aa" would stand for additional allotment and "a" would stand for the original allotment and "ss" would stand for supplemental schedule No. so-and-so.

Q. There are, as a matter of fact, a great many erasures in those books, are there not, either in pencil or otherwise?—A. Well, in pencil I can see, I know.

Q. But there doesn't seem to be any attempt to conceal those erasures?—A. No, sir.

Q. You can see them very plainly now?—A. Oh, yes.

Q. So that if there had been any wrongdoing the job of erasing would have been, or should have been, much better done than it has been? Isn't that a fact?—A. Yes. Now, all these pencil markings are in this column here, "The Indian name of allottee," and it is where those pencil marks were opposite—were on an allottee having an English name only. They are not erased. They stand there yet.

Q. Do you notice in whose writing those changes have been made?—A. I couldn't recognize the handwriting.

Q. Do you recognize the handwriting?—A. No; no.

Q. Is it the handwriting of any person with whose writing you are familiar?—A. I don't seem to recognize this writing.

Q. Dan Morrison's handwriting; do you know?—A. Yes, sir.

Q. You know Van Meter's handwriting, do you not?—A. I think I do. I think so.

Q. Do you know Joe Perrault's handwriting?—A. Yes, sir.

Q. Who were the other clerks in the office when the allotting took place—as an irregular employee I mean?—A. Part of the force was composed of irregular employees. I was one of the irregular employees. I was there two and one-half years.

Q. Were there any other irregular employees there for any length of time?—A. Dan Morrison was an irregular employee, and so was Theodore Beaulieu.

Q. Do you recognize their handwriting in there?—A. I don't think there is any.

Q. Do you know the handwriting of any of the employees under Maj. Howard?—A. No.

Q. You don't know the handwriting of any of them?—A. No, sir.

Q. Do you know the handwriting of Mr. West?—A. I don't think I do. I wouldn't recognize it. Mr. West—any letter I have received from him was in typewriting.

Q. Do you know the handwriting of Mr. Barto?—A. No.

Q. As far as you know, these records might have been made after Michelet left the office?—A. Yes; they might.

Q. If they had been made while you were there you would have recognized the writing?—A. I think so.

Q. And on that account you would have some doubt as to whether those tract books were made up by Agent Michelet—Agent Michelet's force, at least?—A. Well, it might have been made up by some of Agent Michelet's clerks, because Michelet remained in the office after I left, quite awhile.

Q. So you would not have been familiar with the handwriting of any of the clerks that came there after you left?—A. No, I might not know them.

Examined by BURCH:

Q. Did you ever see anybody erase penciled names off of these books?—A. No, sir.

Q. Have you looked these books over since you came here at all, since you came here as a witness?—A. No. This is the first time I have seen the books since 1907 or 1908, I think.

Q. Well, if there had been 500 or approximately 500 names in pencil erased from the three books, you would not have known anything about it?—A. No, sir.

Mr. GRAHAM. Mr. Morrison, you testified that during the time Mr. Michelet was agent a roll or a list was made under the instructions of the department at Washington. Was that about what you said?

The WITNESS. A roll establishing the blood status?

Mr. GRAHAM. That was my understanding.

The WITNESS. It was made on all separate sheets. It was a sheet about 12 or 15 inches long.

Mr. GRAHAM. What I wanted you to do was to explain these instructions from Washington of which you spoke. Were they written instructions?

The WITNESS. They were written instructions. Yes.

Mr. GRAHAM. Do you recall the substance of them?

The WITNESS. There was a book kept as large as this [indicating the tract book], perhaps larger, giving the ancestry of each individual Indian, the name of his father and mother and grandfather and grandmother, where possible.

Mr. GRAHAM. Was it intended to be a roll, a tribal roll?

The WITNESS. That was intended to be an office record.

Mr. GEORGE. I would like to ask if that was done.

The WITNESS. It was commenced at White Earth; I don't know how much of it was done. It was for the purpose of completing the books with those identification sheets where requested to be made by Agent Michelet and where made by Dan Morrison.

Mr. GEORGE. And the work was discontinued?

The WITNESS. I don't know.

Mr. GEORGE. Why don't you know? Did you leave the office?

The WITNESS. I left the office in 1907.

Mr. DENNIS. Were they to see who were mixed bloods and who were not, or wasn't that in the instructions?

The WITNESS. I think the instructions were to give the quantum of white blood in each individual.

Mr. DENNIS. Well, then, the instructions were to show whether they were mixed bloods or full bloods. It should lead to that.

The WITNESS. Yes, sir.

Mr. DENNIS. And was that done so far as you know?

The WITNESS. It was done on those sheets. Whether anything more was done, I don't know.

Mr. GRAHAM. Did it not have any specific name, as, for instance, the Hinton roll has?

The WITNESS. Every one was entered.

Mr. GRAHAM. Oh, no; is it known by any particular name like the Michelet roll or Morrison roll?

The WITNESS. No, sir.

Mr. GRAHAM. It has never been regarded then as a real roll of the White Earth Indians, has it?

The WITNESS. I think not.

Mr. GEORGE. Do you know whether that roll, complete or incomplete, is in existence?

The WITNESS. I couldn't say. No; I couldn't say.

Q. Mr. Morrison, did you mean the committee to understand that Michelet had instructions from Washington to prepare such a roll showing the blood status?—A. As I understood it, he had instructions to make those entries in that particular book.

Q. Make what entries in what particular book?—A. Entries as to blood status, the genealogy of each family.

Q. From whom did you understand that?—A. From Michelet, and possibly I read the instructions also.

Q. Well, now, I want to be careful about this. Is it your best recollection that you saw such instructions from Washington and that that book was sent from Washington?—A. Yes, sir. That is my best recollection.

Q. That is your best recollection, that such a book was sent from Washington, and that he had instructions connected with it?—A. Yes, sir.

Q. Were those records made in a book or on loose slips?—A. The records were started in the book and the slips were made afterwards, because it was impossible for any one man to do that work in the office on that book, but the intention of Mr. Michelet was to have them transferred into that book and entered there.

Q. Then there was a book sent from Washington, but it was never filled out?—A. It was never completely filled out.

Q. What became of these loose sheets? Were they sent to Washington?—A. I don't know what became of them.

Q. Was that list of full bloods ever sent to Washington—full bloods and mixed bloods?—A. Not that I know of.

Q. Then you don't know that at the Indian Bureau at Washington they have any knowledge of such a thing?—A. I don't know.

Mr. DENNIS. I would suggest, Mr. Chairman, that we get a copy of the schedules—they have them in Detroit, and I think they have them at White Earth, and I think they have them in the department at Washington, in the Secretary's department at Washington—that we may examine them and see what they do show. I would like to have them myself later in the examination of such witnesses as Mr. Morrison, and it might be advisable to have them now.

Mr. GRAHAM. Have you any specific reason or purpose in view?

Mr. DENNIS. I desire to show that on one or the other—I am not sure at this time which—it is indicated whether the allottee is a mixed blood or a full blood, rather than that the "F" stands for female

and "M" for male, and that the schedule does show whether the Indian is full or mixed blood.

Mr. BURCH. What schedule?

Mr. DENNIS. The one you don't know anything about. The one Mr. Hinton has had in his office ever since he has been here, and one in the White Earth office and one in the office of the Secretary of the Interior.

Mr. BURCH. If there is anything in Mr. Hinton's office we will produce it in five minutes.

Mr. DENNIS. All right. I offer that as a suggestion.

Mr. BEAULIEU. One speaks of schedules and the other of sheets. I believe in Mr. Burch's office, in this city, they have the sheets which show the genealogy of the families.

Mr. BURCH. That Mr. Morrison has testified to.

Mr. BEAULIEU. Yes; and we made a demand for those at our trial at Fergus Falls, and they said they had no such sheets, and finally we went to a United States judge and spoke to him about it and he said if they didn't produce those sheets he would issue an order for them. So I met Mr. Harper or Mr. Hinton—I don't recall just who it was—and Mr. Hinton came back to Detroit and he produced those sheets and we had access to them, and these are the sheets I believe Mr. Morrison has testified to in the schedules.

Mr. BURCH. Mr. Hinton informs me that they were filed in evidence and are, of course, in the evidence in the case in the hands of the clerk of the United States court at Fergus Falls. They were put in evidence and we can not get them back; they are in the custody of the clerk of court in Fergus Falls.

Mr. GRAHAM. Their status has not been made very clear here. Reference has been made to them, and the fact that, as Mr. Morrison testifies, they were prepared on orders from the department, but I don't recall a word of testimony tending to show how they were prepared or what investigation was made in their preparation. Were there witnesses heard as to the blood status, or how was the genealogy arrived at?

Mr. BURCH. I desire to state that my recollection is that these very witnesses stated, or at least Mr. Beaulieu's witnesses stated, that there were these blanks prepared and sent out for the people to fill out, answering these questions.

Mr. BEAULIEU. No, no; that is a mistake. Mr. Morrison has testified that Dan Morrison took the statements of the Indians as they came into the agency office, and that this Dan Morrison was one of the clerks there; that this was done under the instructions of Agent Michelet in 1906. We didn't introduce those into the evidence, only about half a dozen sheets, I believe, because we didn't need three or four thousand sheets.

Mr. GRAHAM. Well, of what materiality are they? What light would they shed on our inquiry?

Mr. BEAULIEU. They simply show that the people who were buying the lands relied upon the information that they obtained from the agency office. They would go to the agency office whenever they wanted any information regarding the status of an Indian allottee, and those rolls showed whether he was a mixed blood or a full blood.

Mr. GRAHAM. Well, we will have to do without them now: we can not get them without an order of court, and we can not get that order. Are you through with Mr. Morrison?

Mr. BURCH. Yes, sir.

WALTER G. WEST, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your name, please.—A. Walter G. West.

Q. Where do you live?—A. At White Earth Agency.

Q. How long have you lived at White Earth?—A. Since April, 1907.

Q. Prior to that, where did you live?—A. From 1901 until that time in northern Michigan.

Q. What is your present position?—A. Chief clerk at the agency.

Q. Are you next in authority to Mr. Howard?—A. Presumably.

Q. How long have you filled that position?—A. Since May, 1908.

Q. What was your first employment at the reservation?—A. My employment at White Earth was as day school inspector; then for a short period school inspector.

Q. Did both of those employments take you all over the reservation?—A. Yes, sir.

Q. And since you became chief clerk do your duties take you over the reservation from time to time?—A. Occasionally; yes.

Q. Are you fairly familiar with the conditions all over the reservation?—A. I think so.

Q. Give us a brief statement of your duties as chief clerk.—A. My duties are somewhat varied; they consist of answering the correspondence, making records in the office, making special investigations as I am directed to do so by the superintendent, and such other duties as may be assigned to me from time to time.

Q. Was your employment at White Earth your first Government service?—A. No, sir.

Q. What Government service were you in prior to that?—A. I entered the Government service as farmer at Yankton, S. Dak., in 1900. I was employed by the Government from 1901 to the time I came to White Earth in northern Michigan. I was in charge of a small Indian school there.

Q. How long have you been in the Government Indian service altogether?—A. Continuously since 1900, July, excepting the period from May until September, 1901.

Q. That would cover most of your adult life?—A. Yes, sir.

Q. Is your present position covered by the civil service?—A. It is, as have been all positions I have held.

Q. Have you a home and family, a home at the reservation?—A. I have a home and a family, my quarters being furnished by the Government.

Q. Is that a separate dwelling or a part of the building?—A. It is a separate building.

Q. Any land or ground attached to it?—A. Yes; there is no distinct line as to what I should use, but there is sufficient land for any small purpose.

Q. What is your salary?—A. Twelve hundred.

Q. Have you any perquisites, except the use of this dwelling?—A. From the Government?

Q. Yes.—A. No, sir; excepting the dwelling, and the gas which we have sometimes.

Q. Have you a gas plant at the agency?—A. Yes, sir; at the day school; it is piped into the dwellings, but that is very seldom in working order, except in the summer time, of course, when we use very little.

Q. Do any other members of your family draw a salary from the Government?—A. Not now; no, sir.

Q. At any time?—A. Yes.

Q. When?—A. My wife was employed in the service continuously from 1898 until September, 1910.

Q. Were you married so long ago as that?—A. No, sir.

Q. Was she in the Indian service before you were married?—A. Yes, sir.

Q. But since you were married, has she been?—A. Yes, sir.

Q. How long?—A. From the time we were married until 1910, and we were married in 1902.

Q. In what capacity was she employed?—A. She was employed as housekeeper in northern Michigan—the first since we were married.

Q. Well, I mean more particularly at White Earth?—A. She was employed as kindergartner at White Earth, at a salary of $600 per annum, from 1907 to 1909, some time in March, when she was transferred to the position of day school-teacher at the same salary, which position she filled until she resigned.

Q. Are you, or is your wife, in any way related to Agent Howard?—A. No, sir.

Q. Your employment there was entirely independent of him?—A. Yes, sir; my term of employment there began before Mr. Howard's.

Mr. GEORGE. I would ask if you received special instructions for the post of farmer?

The WITNESS. My father was a farmer, and I was raised on a farm; but other than that, I had no special instructions, although I passed a special examination conducted by the Civil Service Commission prior to my entering the civil-service employ.

Mr. GEORGE. Where did you work on a farm?

The WITNESS. In Minnesota, Wright County; that is perhaps 200 miles from here, south, or perhaps 150; it is about 50 miles northwest of Minneapolis.

Examined by Mr. BEAULIEU:

Q. Mr. West, do you know of any checks that have been issued by Maj. Howard that never reached the persons to whom they were issued?—A. Yes, sir.

Q. Who were those persons?—A. I can not say, but I think we have now at least four in the office safe, which we sent out to different parties and none of them were delivered, but were returned to the agency, and are still there. I do not recall any of the names. We also have some Treasury warrants there.

Q. But outside of those that you mention as returned, do you know of any checks that were issued by Agent Howard to pay Indians for work which they did or for work which it was supposed they did, which they never did?—A. No, sir; I do not.

Q. Do you not know that a number of men were reported as having worked for the Government sawmill at White Earth while Mr. Sickner was in charge there?—A. I know there was a large number of employees; yes, sir.

Q. Do you not know that a number of the men who were reported as being employed there were not actually employed there?—A. No, sir.

Mr. GRAHAM. When you say "reported" do you mean carried on the books?

Mr. BEAULIEU. Carried on the books. Why was Mr. Sickner let out of the Government service?

A. There were several reasons why he was not employed. One of them was that he was inattentive to duty. That, I think, is the principal reason.

Q. Any other?—A. It was thought that he was not a proper man under the circumstances in view of his conduct, and another reason that I might state—although I do not know that that entered into the mind of the superintendent at all, but it did into mine personally—he at one time conducted, presumably and possibly actually, for the benefit of his employees, a small store at which they purchased supplies from time to time.

Mr. GRAHAM. Do you mean by that that he kept a store and sold merchandise to the Indians while on the Government pay roll?

The WITNESS. Yes, sir; he had a small store there.

Mr. GEORGE. And these supplies were sold to employees of the Government?

The WITNESS. Sold to employees of the Government, presumably for their own advantage, they being 25 miles from any other market. It was supposed, and perhaps it was the case, that he profited not at all from the store; that was the purpose.

Q. Did it ever come to the notice of the Indian Office that checks had been issued by Agent Howard for employees who never did any work at the mill or elsewhere, and that thumb marks were placed on these checks?—A. No, sir; it never came to my knowledge.

Q. It never did?—A. No, sir.

Q. Where are your check books?—A. Downstairs in the vault. Mr. Durmont, will you get them?

Q. Do you know for what purpose annual estimates are made?—A. Yes, sir.

Q. What is the purpose of annual estimates?—A. It is for the purpose of advising the Indian Department as to what supplies would be required the following fiscal year.

Q. Does the agent who makes the estimate usually overestimate the amount of supplies that you need?—A. No, sir.

Q. Has it not frequently happened that the superintendent or, rather, the principals of the schools have made an estimate for supplies and then the agent has increased that estimate very largely, probably to the extent of twice the amount that the principal has estimated for his own school?—A. I recollect no such instance. It is possible; it might have been done.

Q. You can't recall the instance?—A. No; at the present time I can not. In fact, I know that items have sometimes been increased by the agent or the superintendent. I know of one particular case now in which we were advised, less than a month ago, that Super-

visor Pearce had personally gone to the Indian Office after the estimate had left the hands of the superintendent and urged the Indian Office to increase the annual estimate for the coming fiscal year for the Round Lake day school by 25 per cent. That is one instance; there might have been other instances where the agent increased the estimate of supplies.

Q. If there is a surplus of these supplies at the end of the fiscal year, what disposition is usually made?—A. They are kept over and used at a later period. There is no distinction; we use what supplies are on hand, regardless of when they are purchased.

Q. Do you not make a report at the end of the fiscal year in regard to the amount of supplies you have on hand?—A. We make a report each quarter, one quarter being the end of the fiscal year; that is, one of the four reports that I make.

Q. And do you not include the supplies that are on hand at the end of the fiscal year in your estimates of the following year?—A. I don't understand that question.

Q. Do you not include supplies that you may have on hand at the end of the fiscal year in the following year?—A. No, sir; no supplies that we have on hand are asked for for the following year. I am not sure that that is what you asked?

Mr. GRAHAM. Well, what do you do with supplies that remain over at the end of the fiscal year? Do you report the amount that so remains over to the department?—A. No, sir; we make no special report of that; but each quarter we do make what we call the "property return" showing the supplies that have been used during that quarter on hand at the beginning. We then place in the hands of the superintendent, during the quarter, the amounts remaining on hand, so that in the regular course of business it is reported to the Indian Office—the quantity of the supplies on hand at the close of the fiscal year and also at the close of the first quarter.

Q. But in the making of your estimates for the next year do you not take into consideration the amount of supplies that were left over from the preceding year?—A. That is not necessary, for the reason that the estimates are made many months before the close of the fiscal year; that is, the estimates for the fiscal year of 1913 have been in many weeks. The beginning of the fiscal year will not be until July 1, 1913; the close of this fiscal year will not be until June 30, 1913; consequently we are unable to say what supplies will be on hand at that time.

Mr. GRAHAM. Is the using of the supplies so spasmodic that you can not tell with reasonable certainty within three months in advance about how much you will have left at the end of the fiscal year?

A. No, sir; we could estimate it if we were asked to do so.

Mr. GRAHAM. Well, don't you, in making your estimate for next year's expense, in some way take into consideration the fact that you will have some supplies left over from that fiscal year?

A. Yes, sir; we do in this way: We show approximately the supplies there are on hand at the date of the submitting of the annual estimate; then the office draws its own conclusions as to what will be on hand at the close of the fiscal year.

Mr. GRAHAM. Which office is this?

The WITNESS. The Indian Office at Washington.

Mr. GEORGE. So that they take in that situation as well as can be anticipated?

The WITNESS. Oh, yes; they do. I might say in this connection that it is shown also on that estimate the quantity of supplies which are purchased for this preceding or present fiscal year, so that the office in acting on these estimates have all the information that we are able to give them at the time.

Q. Can you recall what your estimates were for this last year? Is there no way by which you can furnish the committee with the estimates of a year ago and this year?—A. I think so; yes.

Q. When you have a chance I wish you would give us those estimates.—A. Do you want the estimates—the entire, complete estimates?

Q. The entire, complete estimates as to the fiscal year ending 1910 and 1911 and 1912.

Mr. BURCH. That will be three years; we are on 1912 now.

Mr. GRAHAM. When is the turning point?

Mr. BURCH. The 1st of July; June 30 is the end of the fiscal year.

Mr. BEAULIEU. Well, it is 1912 now. It is for 1911 and 1912.

The WITNESS. Do you want the two annual estimates for the two years covered by that fiscal year?

Mr. BEAULIEU. No; the two separate annual estimates.

The WITNESS. That is 1911 and 1912?

Mr. GEORGE. To carry you up until July of this year.

Mr. BEAULIEU. July of this year.

Mr. BURCH. Then 1913 begins.

Mr. GRAHAM. Get those, Mr. West.

The WITNESS. We will have them this afternoon.

Q. Does the agent sell supplies to Government employees?—A. Yes, sir; he sells coal.

Q. Any other supplies?—A. No, sir.

Q. Does he sell warehouse supplies?—A. No, sir.

Q. Are warehouse supplies used by any of the Government employees, do you know?—A. I don't understand what you mean by warehouse supplies; but if you mean subsistence supplies furnished by the Government, my answer to that is emphatically, no.

Q. That is, so far as you know?—A. So far as I know.

Q. Have you ever invested in reservation lands?—A. I invested in one tract located on the White Earth Reservation; yes, sir.

Q. Do you recall whose allotment that was?—A. Yes, sir.

Q. Whose was it?—A. Wah-wah-be-nais-e-quay. I can give you the description of that land, if you care to have it.

Q. I would like to have it.—A. The description is S. ½ of the NW. ¼ of sec. 14, T. 145, R. 41, containing 80 acres. Now, I want to present to the committee a partial abstract of that, and, if it is agreeable to Mr. Beaulieu, you might put it in now, as it seems to be a proper place, which is a portion of it, showing what disposition this Indian made of it and the source from which I obtained the land.

Mr. GRAHAM. Oh, you can tell us that.

Q. Go ahead and tell it.—A. The allotment described was sold by Wah-wah-be-nais-e-quay, the original allottee, to James Madison, on August 20, 1906, so that he got at that time a warranty deed, the consideration named in the deed being $500. I may say here that James Madison was a son of Wah-wah-be-nais-e-quay, the original

allottee. Madison, on September 3, 1906, together with his wife Cornelia Madison, gave a mortgage on this same tract of land to David A. Ray, the consideration or amount of the mortgage being $200. Madison subsequently satisfied this mortgage, although the satisfaction was not shown on this paper which was furnished me at the time I got it; and on November 8, 1906, James Madison and his wife conveyed by warranty deed to Carl Schall the land described, the consideration being $800. To this deed there were four witnesses. I have their names. I have here the satisfaction of the mortgage to David A. Ray, referred to above, which was dated September 3, 1906; Mr. Schall subsequently mortgaged this land to another man whose name I don't know at the present time. That mortgage was duly satisfied on the 25th day of May, 1908. I purchased from Carl Schall this same property for $750.

Mr. BURCH. Was he a white man?

The WITNESS. He was a white man; yes, sir. At the time I purchased this land, or before purchasing it, I consulted the superintendent and also the clerk who had charge of land matters on the White Earth Agency, and they expressed the opinion that there was no objection to my purchasing this land from Schall, a white man. I never saw the allottee; I have never seen her; don't know her; and I insisted upon being furnished by the seller with proof of the fact that she was a mixed-blood adult of the White Earth Reservation. I was furnished with an affidavit which was signed by two Indians, one of them being Chief May-zhuc-e-ge-shig and I don't know the other one's name, stating that she was a mixed-blood adult. These were taken by me to the superintendent and to the land man who was then in charge of land matters at the White Earth Agency, and they expressed their belief that that was sufficient knowledge to recommend to the department the issuance of a fee simple patent covering this tract of land.

Mr. GRAHAM. In whose name?

The WITNESS. In the name of the original allottee, Wah-wah-be-nais-e-quay. At the request of this land clerk I prepared, myself, a letter of recommendation and turned it over to this land man, Mr. Barto, who took it to Mr. Howard, who signed it, and Mr. Barto copied it in his own series of copying books, which were kept separate from the general office books, and in due course a fee simple patent was issued for this tract of land and was put on file, I think. I afterwards sold this tract of land to a white man for $1,000.

Mr. GRAHAM. Well, that is far enough to follow it, unless you want something more.

Mr. BEAULIEU. I want to follow it to bring out all the facts.

Mr. GRAHAM. Just ask questions, what you want to know, and get to it.

Q. Did Mr. Schall get a deed from Wah-wah-be-nais-e-quay?—A. I don't know. I think that he got this deed from James Madison.

Q. The abstract shows that the whole transaction was between Madison and the persons from whom you purchased.—A. I have the complete abstract furnished me at the time; here it is.

Q. And on that abstract you purchased the land?—A. Yes, sir.

Q. You were in position to know that the allotment was issued to Wah-wah-be-nais-e-quay?—A. Yes, sir; I suppose so.

Q. Was not Wah-wah-be-nais-e-quay alive at that time?—A. Yes, sir.

Q. And you purchased this land; that is, you talked with James Madison, did you?—A. No, sir; I don't recall ever having talked with James Madison about this, either before or afterwards.

Q. But you recommended writing up a recommendation for a fee patent, did you?—A. Just exactly as I have stated; yes, sir.

Q. And Maj. Howard signed it?—A. That is what I stated; yes, sir.

Q. Afterwards the fee patent was issued, and was issued upon the grounds that Wah-wah-be-nais-e-quay was a mixed blood?—A. Yes, sir.

Q. Did you get a quitclaim deed?—A. Yes; that is of record.

Q. When did you buy that?—A. On May 25, 1908.

Q. And after that Mr. Hinton made the investigation as to who were mixed bloods and who were full bloods?—A. He did.

Q. And on page 44 of his report, does he not report James Madison as a full blood?—A. I don't know what the records will show [examining Hinton roll]. Yes, sir; on page 44 the son of this woman is listed as a full blood.

Mr. GRAHAM. Is he mentioned there as the son of this woman?

The WITNESS. No, sir; but I think there is no question but what he is the same man—the son of this woman.

Q. Now, if you bought that land from Wah-wah-be-nais-e-quay, you believed she was a mixed blood, did you not?—A. Yes, sir.

Mr. BURCH. He has not testified that he bought it from Wah-wah-be-nais-e-quay, or whatever her name is.

Mr. BEAULIEU. He testified that he got a quitclaim deed.

Mr. BURCH. Well, he got the quitclaim deed afterwards; he bought it from Schall. I don't think that is quite fair.

Mr. BEAULIEU. It was the allotment of Wah-wah-be-nais-e-quay, he testified, I think. Now, did you purchase it in good faith?

A. I most certainly did.

Q. And, then, if Jim Madison is put on here as a full blood, it was done so from such evidence as Mr. Hinton obtained, was it not?—A. I presume it was. He would have to state as to that for himself.

Q. Well, he was responsible for the issuance of the fee patent; it was not on account of any fraud intended by you, was it?—A. No, sir.

Q. You recommended the fee patent the same as fee patents are usually recommended?—A. I didn't recommend a fee patent.

Q. But you wrote the letter?—A. I did.

Q. And upon the evidence or, rather, the affidavits that were presented to you?—A. Yes, sir.

Mr. GRAHAM. Are you and Mr. Hinton friendly?

The WITNESS. Yes, sir; very.

Mr. GRAHAM. Were you then?

The WITNESS. Yes; always. Mr. Hinton—I value him as one of my best friends.

Mr. GRAHAM. The incident would seem to be a compliment to the accuracy of his roll; he didn't try to shield you?

The WITNESS. No, sir; I know Mr. Hinton would not do that, even for a friend.

Examined by Mr. DENNIS:

Q. Has there been any lawsuit started on this, Mr. West?—A. No, sir; not to my knowledge; there might have been, but I have no knowledge.

Q. Do you know whether her name was on the so-called Moorhead and Linnen list or not?—A. No, sir; it was not, although the Linnen and Moorhead reports touch upon that; and Madison, in an affidavit made to Mr. Linnen, says that he received for the land $800. I will put that in the record if anyone would like to have it.

Mr. GRAHAM. I think it is in.

Q. On the original schedule of allotments—and I understand that this was the original allotment of this woman?—A. Yes; I understand that.

Q. You have access to the original schedule of allotments?—A. Yes, sir.

Q. Do you know whether on that original schedule this particular allottee is carried as a full blood or mixed blood?—A. There is no indication on that schedule as to whether any Indian is a mixed or full blood.

Q. Is there any indication on that schedule that a person is male or female?—A. Yes; there is.

Q. How is it indicated?—A. It is indicated usually by "M," meaning male, and "F," meaning female.

Q. And how is it otherwise indicated, when it is not indicated in that manner?—A. I think in some instances it is written out in full, "m-a-l-e" for male and "f-e-m-a-l-e" for female.

Q. You have no persons on that schedule in your office at White Earth, where the letter "F" appears for female and "M" for male?—A. I would not like to say that.

Q. Well, haven't you got 500, at least—and I am only guessing at the number—where the letter generally appears as "M," meaning male, when, in fact, the party named is a female?—A. Are you referring now to the schedule of allotments?

Q. Yes, sir.—A. No, sir; we have not.

Q. Have you any other books showing which are mixed and which are full blood in the agency office?—A. No, sir.

Q. Well, I might call it a schedule.—A. No, sir; we haven't, Mr. Dennis; but we have in the agency office, or in Judge Burch's office, I don't know which now, a payment roll, about which Mr. Morrison has testified, on which there are letters, under red ink, "I" and "M" against the names of the annuitants, indicating the blood of the annuitants.

Q. During the noon recess, Mr. Chairman, I should like to have Maj. Howard bring up his roll that is in his office. I have copies, but I should like to have the original roll, so that we may examine it while Mr. West is on the stand.

Mr. GRAHAM. Well, there is no objection to that.

AFTERNOON SESSION.

WALTER G. WEST, recalled.

Examined by Mr. BEAULIEU:

Q. Do you know from which funds the expert farmers and field matrons are paid?—A. Yes, sir.

Q. Which fund?—A. From funds appropriated by Congress especially for that purpose—not tribal funds—known as industrial work and guarding of timber. It is a fund which is designated each year.

Q. Do the check stubs show that?—A. Usually they do; yes.

Q. Do you know when they commenced to pay the expert farmer from this fund?—A. They have always paid him from such funds.

Mr. GRAHAM. Not out of the tribal funds at all?

The WITNESS. A Government fund appropriated expressly by Congress for that purpose and not out of the tribal funds at all; no, sir.

Q. How long have you had a farmer at White Earth?—A. We have had but one farmer at any time. I believe the first appointment was in July, 1910. That is my present recollection.

Q. Are there any other farmers on White Earth Reservation?—A. We have a farmer at the White Earth boarding school.

Q. What are the duties of the expert farmers and field matrons?—A. The field matron is supposed to work among the Indians, to help them in any way possible, especially among the women; visiting their homes, giving them advice, and also supposed to assist the physicians in attending cases, and any such work as they may have for her.

Q. And the expert farmer?—A. The farmer is supposed to do relatively the same thing in regard to the men, but more particularly in regard to farming advice; advising them and demonstrating to them the best methods of cultivating the soil, and such other work as may be assigned to him.

Now, in taking up the property—how is it taken up on the agency accounts?—A. It is taken up as having been received, showing the source from which received, and the manner of its having been obtained.

Q. And in expending this property, how is it reported?—A. It is reported in relatively the same manner. There are vouchers on which is indicated the disposition of the property.

Q. What statement is made on these vouchers?—A. Well, in a general way, it is stated in what manner or for what purpose the expenditures have been made.

Q. Now, we will take coal for instance. How do they report coal?—A. Used for fuel and used for nothing else.

Q. Does it state whether for school or whether for employees?—A. No, sir; usually not—"used for fuel." I think that is the usual phraseology.

Q. It doesn't distinguish whether it is fuel used for the schoolhouse?—A. No, sir; not usually.

Q. Now, there has been a good deal of coal used by the employees, according to the testimony here.—A. I have heard so.

Q. How is that reported?—A. That is reported in the same manner, so far as the expenditures are concerned, but in our cash account we indicate specifically what coal has been sold and to whom sold. That is usually shown in a general way on the property account.

Q. Is that the way the coal is accounted for which the testimony shows here was used by the agency employees?—A. Do you refer to that which was not accounted for, or that which was accounted for?

Q. Well, I assumed is was all accounted for.—A. I think the testimony will show that some coal was used without having been paid for, but where it has been paid for since that period is a matter of record here; it is taken up in that way.

Q. Well, that testimony will show that has not been paid for. How would that go in?—A. In the same manner I have indicated; not in the cash accounts but in the property accounts it would show as having been used for fuel.

Q. Show as having been used for fuel?—A. Yes, sir.

Q. Don't the department rules require that an expenditure of property shall show specifically in vouchers how used and by whom?—A. No, sir; it does not require that you should go into particulars. It has been considered sufficient if you indicate in a general way what use has been made of it.

Q. Are you familiar with the rules that were sent out by the department in 1904?—A. Reasonably so; yes, sir.

Q. Do they not specify that all property shall be reported?—A. I believe they do.

Q. Don't those rules specify that all properties shall be reported on vouchers and state specifically for what purpose the property is used?—A. That is the idea. I don't know as those are the exact words, but as to the construction of the word "specifically" there might be a difference of opinion.

Q. Well, that is the idea, isn't it?—A. Yes, sir; I think you have the proper idea.

Q. Now, has that idea been followed out in the reports?—A. Yes, sir; it has so far as I know.

Q. Don't those rules state that the agency employees shall not be allowed to use fuel or anything else that is owned by the Government for the Indians?—A. The regulations you refer to have been modified many times since their adoption in 1904.

Q. No. I am asking you if that is not so?—A. Well, the regulations as they stand now, confirm the use of light at White Earth—gas at White Earth.

Q. But I am speaking of the regulations of 1904, which were issued in 1904?

Mr. GEORGE. Do you mean that the regulations as they have been issued are now in existence?

Mr. BEAULIEU. The regulations that have been issued existed until recently, and I am trying to show that they existed until, I guess, Mr. Linnen's report, or after Mr. Linnen's report.

Mr. GEORGE. I thought the witness was trying to say that those regulations had been subsequently changed, and that the custom since had been to follow the regulations as changed.

Mr. BEAULIEU. Well, I assume that—that they have been changed recently, but I want to show that they have been changed very recently.

Mr. GEORGE. Well, why not ask him when they were changed?

Mr. BEAULIEU. I want to ask him if they were not in force up to the time that they were changed, and I want to show that while they were still in force they followed them.

Mr. GEORGE. Well, do it your own way.

Q. These regulations were in force from 1904 until when?—A. Until they were modified, but that has been done from some period

in 1904 up to the present time, respecting different changes in the regulations.

Q. I mean about the use of coal or fuel and lights, etc.—A. I really couldn't say as to that, Mr. Beaulieu.

Mr. GEORGE. Can you say when the first modification was made respecting the use of coal?

The WITNESS. No, sir; I would be unable to do that, Mr. George.

Mr. GEORGE. Can you say when any modification respecting the coal was made?

The WITNESS. No; I would not be able to state a date. But I will say that comparatively recently—that is, within the last few months—we were advised that there had been a change made in policy, in the regulations. When that was made I do not know, and I had no knowledge of the change until that time, which was comparatively recently.

Mr. GEORGE. Well, what was the modification that was made?

The WITNESS. It provided that persons, whether they were living in what is called the main building or in a cottage provided heretofore for their use, might use either heat or light furnished from a central plant.

Mr. GEORGE. And did "heat" mean coal?

The WITNESS. Heat meant certainly the means of producing heat. No; I have not said, Mr. George, that this modification now permits us to use coal. It does not. We pay for our coal. I said that in connection with gas.

Mr. GEORGE. I understand Mr. Beaulieu to be arguing about the modifications in the regulations about coal issued in 1904. Maybe I don't understand what these answers have been, but I am quite cloudy as to what the answers are—what you are trying to tell the committee.

The WITNESS. Perhaps I had better explain, Mr. Beaulieu. In 1904 the Indian Office adopted a pamphlet of Rules and Regulations for Indian Schools. In this there was a statement that employees living outside of main buildings in cottages provided heretofore for their own use must furnish at their own expense heat and light. Since that time those regulations have been modified in many respects, but with regard to the heat and coal, employees now are permitted to use heat and light, furnished from a central plant; but if they are not connected with the central heating and lighting plant they must still provide, at their own expense, both heat and light. In other words, at White Earth we are permitted, under the regulations, to use gas; but as a matter of fact, the gas, while it is connected, in cold weather it can not be forced down to the cottages. Hence, we have to use kerosene. The Government has plenty of kerosene, but under the regulations we are not permitted to use it and do not use it. We provide our own light.

Mr. GEORGE. Now, does this clear the way for your questions, Mr. Beaulieu?

Mr. BEAULIEU. Yes; to some extent. Do you know, Mr. West, when the regulations were modified with regard to the use of coal by the employees?

A. No, sir; I do not.

Q. Wasn't it since 1909?—A. I presume it was. I think probably it was.

Q. Was it not after Mr. Linnen made his report?—A. I don't know. If it was since 1909, it certainly was.

Mr. GEORGE. Well, were you using coal originally when you first came here, that you didn't pay for?

The WITNESS. Yes, sir.

Mr. GEORGE. And when did you begin to pay for coal?

The WITNESS. In the fall of 1909, I think, after Mr. Linnen had made his report and after that regulation had been called to the attention of the superintendent.

Mr. GEORGE. Well, then, that regulation was modified in 1909?

The WITNESS. No, sir.

Mr. GEORGE. And in response to that you began to pay for coal?

The WITNESS. No, sir; that is not the idea that I wanted to give. Regardless of the regulation, as has been repeatedly stated here, coal was used by the employees up to the time that Mr. Linnen came and called the attention——

Mr. GEORGE. That is, was used without payment?

The WITNESS. Yes, sir—of the superintendent to the fact that we were not entitled to it. I can not say just when that practice was begun.

Mr. GEORGE. Well, but that is not it. Then you began to pay for coal——

The WITNESS. As soon as it was called to our attention.

Mr. GEORGE. As soon as Mr. Linnen called attention to it and you did not wait for word from Washington?

The WITNESS. Yes, sir; I think that is the case.

Q. Then you had no authority to use coal form 1904 until after this order was issued?—A. It would seem not, Mr. Beaulieu.

Q. Well, were you not familiar with the rules?—A. I presume so.

Q. As chief clerk, you were familiar with that rule, were you not?—A. Yes. Perhaps so. But as I have just stated, that rule might have been modified and I not know of it, the same as it was modified and I did not know of it until comparatively recently.

Q. But from your knowledge of the rules and regulations as they existed, they prohibited you or any other employee from using heat and light?—A. It would seem so.

Q. And notwithstanding your knowledge of that, you continued to use the fuel and light?—A. It would seem that we used it.

Q. You simply ignored the rule, did you not?—A. We did not pay for the fuel. I don't know whether I had specific knowledge, or thought of that regulation. I have not said so. But the regulation was there and, of course, if I didn't that would be the excuse.

Q. Was Agent Howard familiar with that rule?—A. I don't know.

Q. He was never informed of that rule, was he?—A. I don't know.

Q. He was a comparatively new man, in fact he was a new man entirely, was he not, when he came on the reservation, so far as Indian matters were concerned?—A. Yes. I think he had never been in the Indian service before.

Q. Did you inform him that there was a rule by which he could be guided in his duties as Indian agent?—A. I think the office probably did. It was no part of my duty to do so, and I think I did not.

Q. Did you have any other Government property in your house besides the coal that has been mentioned here?—A. When Maj. Howard came, do you mean?

Q. Well, yes; and since?—A. No, sir. When Maj. Howard came I was living at the school, so that I had no Government property in my house at that time, not in my house.

Q. Did Mrs. West teach school during the month of February, 1909?—A. She did; yes, sir.

Q. Was she not absent during that month on leave of absence?—A. She was. Anticipating from the form of Mr. Beaulieu's questions, I took special pains to look that matter up, and I would like to introduce a complete record of the employment of Mrs. West during that period of time.

Mr. GRAHAM. I don't think it necessary. You testified to it before us once. I think that covers it.

Q. Was Mrs. West employed there during the month of June?—A. (Handing paper to chairman.) If that is relevant, it will answer the question far better than I could orally. I am sure that is what Mr. Beaulieu wants to hear.

Mr. GRAHAM. I suppose, Mr. Linnen, you remember writing the letter which Mr. West hands me of date February 12, 1912?

Mr. LINNEN. Yes, sir.

Mr. Graham then read into the record the following letter:

DEPARTMENT OF INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Indian Agency, White Earth, Minn., February 12, 1912.

To whom it may concern:

I have this date investigated the employment by the United States of Mrs. Gertrude West, and the following is a true statement of same for the period engaged, as shown by the official records of the White Earth Indian Agency, which I believe to be correct: "Kindergartener, January 1, 1909, to February 5, 1909, at White Earth Boarding School; salary, $600 a year. Teacher, February 26, 1909, to June 30, 1909, at the White Earth Day School; salary, $600 a year." During this period Mrs. West was absent from duty as follows: "Leave without pay, February 8 to February 25 and April 1 to June 11; annual leave with pay, February 26 to 28 and June 12 to 30."

The records show further that special authority was granted for all periods of leave without pay by the Indian Office, and Mrs. West was fully entitled to all annual leave, or leave with pay taken according to the rules and regulations of the Indian Department then in force. Mrs. West was employed in 1898, from which time her service was continuous and unbroken until she resigned in 1910.

E. B. LINNEN,
United States Inspector, Department of Interior.

Mr. BEAULIEU. Mr. Linnen is here himself and might have testified, and I could have cross-examined him upon that subject.

Mr. GRAHAM. You can cross-examine him upon that subject. Doesn't this give you the information you wanted?

Mr. BEAULIEU. No. I wanted to go a little further.

Mr. GRAHAM. Very well, go ahead. [Hands letter to Mr. Beaulieu.]

Q. Mr. West, referring to that certificate or whatever it is that you introduced here, Mrs. West was absent from February 8 until February 25, was she not, according to this?—A. I really don't know, Mr. Beaulieu. If you have it, that should show.

Q. It shows leave without pay from February 8 to February 25, and also from April 1 to June 11.

Mr. GRAHAM. You might assume that to be true and base your question on it.

Q. Is it not a fact that from January 1 until June 9 a special teacher was employed to fill her place?

Mr. GEORGE. In what year?

Mr. BEAULIEU. In 1909.

A. I don't know, but I know that authority was granted for a temporary employee during such period as such services were required. I know there was a temporary employee on duty at least a part of the time she was absent without pay.

Q. Wasn't this temporary teacher employed there from January until the school closed in June?—A. No, sir; I think not. You are referring now to day school?

Q. To day school, yes.—A. No, sir. I think that the temporary employee was on duty until—from about March 1 until some time in June.

Q. In March, wasn't it?—A. That is my recollection. I know that the superintendent was authorized to employ during such period, and the date when the service was necessary, but I don't know the dates.

Mr. BEAULIEU. I think I would like to let Mr. West go until I have an opportunity to examine the check stubs. I want to go over the check stubs with him.

Mr. WEST. I have been here five days.

Mr. BEAULIEU. I want to let him go now and some time during the recess I want to go over these check stubs. I want to examine him further regarding the stubs.

Mr. GRAHAM. Very well.

Mr. LINNEN. We have some cross-examination.

Mr. GRAHAM. You can defer it until Mr. Beaulieu has finished with him?

Mr. LINNEN. Yes, sir.

Mr. GRAHAM. We prefer that.

THEODORE B. BEAULIEU, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name.—A. Theodore B. Beaulieu.

Q. Where do you live, Mr. Beaulieu?—A. White Earth.

Q. How long have you lived on the reservation?—A. I think I have lived there 40 years; about 40 years.

Q. That would not be all of your life?—A. No.

Q. Where did you live before you were on the reservation?—A. Crow Wing, Minn.

Q. Are you related to Mr. Gus H. Beaulieu?—A. Yes; his brother.

Q. And what is your present occupation?—A. My present occupation is looking after timber.

Q. In what way?—A. Looking after trespassers.

Q. Are you a Government employee?—A. No, sir.

Q. For whom are you doing that?—A. The Nicholas-Chisolm Lumber Co.

Q. What territory do you cover?—A. I cover all of section 38, township 142, range 39, and 143-38 and 142-38.

Q. How many townships in all?—A. Four townships.

Q. All on the White Earth Reservation?—A. Yes, sir.

Q. Is there timber standing on that territory?—A. Well, there was a good deal standing.

Q. I mean now?—A. No, sir. Well, I haven't been in there lately.

Q. Well, that is your present occupation?—A. Yes; but I was hired——

Q. How recently were you on the ground?—A. Last fall.

Q. And at that time were there many trees standing?—A. No; there was very little.

Q. Well, do your duties include lumber and logs as well as trees?—A. Just trees—to see if there is any cut out on the tracts that they own.

Q. Who would be likely to cut timber that way?—A. There are quite a number of trespassers.

Q. Other lumber companies?—A. No, sir.

Q. What class of people would do it?—A. Reservation people.

Q. Would they cut more than a single tree?—A. Yes, sir; sometimes more.

Q. How would they do it?—A. Why, go down into the timber and cut a tree down, and maybe two.

Q. And what would they do with them?—A. They would get them out to some mill and have them sawed up and sell them.

Q. Is it necessary, all over the reservation, to keep a watchman on the ground to prevent that sort of thing?—A. Well, yes.

Q. Are you a timber expert?—A. No, sir; I don't pretend to be.

Q. Just a watchman?—A. Yes; that is all.

Q. How long have you been in that business?—A. Well, I have been in the business for a number of years. I was doing the same thing for the Government.

Q. How long have you been with the Nichols-Chisholm Lumber Co.?—A. I have been with the company about six years.

Q. When did they buy timber up there?—A. I think they commenced buying in 1906.

Q. Have you been with them since that time?—A. Yes, sir.

Q. And in the same capacity all the time?—A. Yes, sir.

Q. What did you do before that time, Mr. Beaulieu?—A. Well, I worked a little while for the Pine Tree Co.; about two weeks.

Q. I mean for a long time prior to that what has your business been?—A. I was scaler for the Government for about seven years or seven and a half years.

Q. On the reservation?—A. Yes.

Q. Your duty as scaler was to estimate the amount of timber for logs?—A. To measure.

Q. Did you actually measure them?—A. Yes, sir.

Q. Your estimate, then, was based on measurement?—A. Yes, sir.

Q. When you had the measurement of a log you were able to turn to your book of tables and tell how much lumber was in it?—A. Yes, sir.

Q. Did you have assistance in doing that work? Some one to take down the figures?.

Mr. GEORGE. Did you take the measurements when the timber was standing or down?

The WITNESS. When down and delivered at the landing.

Q. Scaling means when it is delivered at the mill or river?—A. At the mill.

Q. And estimating, I think, applies when it is standing?—A. Yes, sir.

Q. It is merely guesswork, then—estimating?—A. Yes, sir.

Q. Well, there is no reason why a person who has been guessing at it for a long time couldn't guess accurately?—A. Yes, sir; some can.

Q. Are you in their employment now, and for the last five or six years have you been wholly employed by this lumber company?—A. I am still with the company.

Q. I know; but have you any other employment than that?—A. Well, I sometimes have a little work to do for the camps.

Q. But when you do that you are still working for the lumber company?—A. Yes.

Q. Do you earn any money from any other source—A. No, sir.

Q. Only from them?—A. From the company.

Q. Are you paid by the day, month, or year?—A. By the month.

Examined by Mr. BEAULIEU:

Q. While you were employed by the Government was it not part of your duty to go and scale the timber that was sold by the Government?—A. Yes, sir.

Q. Can you recall scaling any timber for the Government while Agent Sutherland was at White Earth as Indian agent?—A. It was manufactured into boards.

Q. You remember that?—A. Yes, sir.

Mr. GEORGE. What year was that?

The WITNESS. I think it was in 1897 and 1898.

Q. I wish you would explain the whole matter in your own way.—A. Well, I was at Beaulieu at that time. I was acting as assistant farmer, and that was some distance from White Earth. Mr. Sutherland wrote me to come down to the agent and report there; he wanted to see me. So I rode down to White Earth and I reported to the office right off, and he told me then, at that time, that he wanted me to go out and take charge of the lumber yard and look after the issuing of the lumber; that there was a book, and the amounts had been transferred into another book that showed the amount that was due each person that lumber had been issued to; all I was to do was to fill those orders that had been issued by the Indian Office; and after that he says, "You had better go to Mr. Lederbauer." Mr. Lederbauer was a clerk in the office at that time. He said Mr. Lederbauer would instruct me what to do. So I went in, and I asked Mr. Lederbauer what he wanted me to do out there, and he says, "You know more about it than I do." Those were the exact words he used. He says, "You go and fill out those orders and issue the lumber," and just then Mr. Sutherland came in. He was the agent at that time. He said, "Instruct Beaulieu what he is to do." He said, "I don't know any instructions." That was Mr. Lederbauer's answer. I then told him that I would not be ready to issue that lumber for three or four days, I think it was. He said, "What are you going to do?" I said, "I want to go out and scale up what little you have; I want to know what I have to handle and I want to show how it stands with the accounts, and after that is

done I will report back to the office." Then he told me that it was a good idea to do that.

I reported after I got through and looked up the amounts, and I found that he was nearly 500,000 feet short of lumber to fill the orders, and I reported back to him and told him about this; and he went over to Lederbauer and asked him what the trouble was. Mr. Lederbauer didn't know himself, but he thought that there might be some mistake in the account, so there was nothing more said about it. Then I went back and went to work. At the same time I notified the people that they could get their lumber, and those that came last couldn't get any because the lumber was short; and it run along that way. I stayed out then and issued lumber, and soon there were complaints made about it.

Mr. GEORGE. Just a moment. This 500,000 feet short; do you mean short in the accounts in the office or short of the orders?

The WITNESS. Short of the orders.

Mr. GEORGE. That the orders called for 500,000 feet more than was there?

The WITNESS. Yes.

Mr. GRAHAM. As I understand it, you mean more than that; you mean that there was 500,000 feet of lumber missing in some way or other?

The WITNESS. Missing in some way or other.

Mr. GEORGE. But you had orders for 500,000 feet more than there was lumber there?

The WITNESS. Orders had already been issued; I was just to clean up the yard; there had been sealers there before——

Mr. BURCH. May I ask a question? Mr. Beaulieu, do you mean that according to the invoice or accounts they had on hand when you came to measure it, it was 500,000 shy?

The WITNESS. Yes, sir; that was when I finished, cleaned up the yard. There was a standing order there from the Chippewa Commission for, I think it was somewhere in the neighborhood of 100,000 feet—I wouldn't swear—and they had a man there, too, at that time, and I left. At that time I didn't have any more to do, and I went back to Beaulieu. So they called for the books right off; I sent them those books and turned them over to the office, and then complaints were made afterwards. I think the name of the special agent that came up was Mr. Tinker.

Q. Yes; Inspector Tinker.—A. He was the next man to investigate; but he didn't come; he was too busy; he didn't come at that time. He was called away to join the outbreak over at Leech Lake, so there was nothing more done about it at all. The Indians kept making complaints, but nobody seemed to take it up. Later on, I think it was Mr. Downs or Mr. Church who took the matter up after they couldn't find the books—the record of the lumber-yard issues, the books that were used, which they couldn't find; nothing was done about it, anyhow, and I never heard anything more about it.

Mr. GRAHAM. What was the date of this?

The WITNESS. I couldn't give the exact date.

Mr. GRAHAM. Can't you give the year or the season?

The WITNESS. It was in 1888 or 1889.

Q. You mean 1898?—A. Yes; 1898 or 1899; that is the year the lumber yard was cleaned up and I came back.

Q. Now, did anybody investigate it after that?—A. No; not that I know of.

Q. Do you know Mr. Downs?—A. Yes, sir.

Q. Did he investigate it?—A. No, sir.

Q. Well, who was the contractor at that time?—A. I think it was John Lynch and Bob Porteous. I wouldn't be sure whether he was in, but I know Lynch was the contractor.

Q. How much a thousand did they get for that lumber?—A. I don't know; I think it was $7, or pretty nearly $7.

Q. For sawing it?—A. For sawing it and piling it.

Q. And they were about 500,000 feet short?—A. Yes, sir.

Q. Who scaled the lumber before you did?—A. J. B. Louzon.

Mr. BURCH. You don't mean scaled the lumber, do you? You mean measured the lumber?

The WITNESS. Yes, sir.

Q. Who measured the lumber?—A. Mr. Louzon.

Q. Is Louzon related to Lynch?—A. Yes, sir; Louzon is his father-in-law.

Q. And who scaled before Louzon?—A. Nobody that I know of.

Mr. GEORGE. Do you mean scaled or measured?

The WITNESS. Measured. There was a man after Louzon.

Q. After Louzon?—A. Yes, sir.

Q. Was he there after you were?—A. Before I was.

Q. Was anything ever done at all in regard to that matter, after you reported to the agency, if you know?—A. No, sir.

Q. Now, during the time that you were employed as an employee or scaler, or whatever it is, by the Government, did you have anything to do with the mill at White Earth, the Government mill?—A. Yes.

Q. I wish you would explain that also to the committee; what took place while you were looking after that matter?

Mr. GRAHAM. Let him fix the time at the outset.

Q. Do you remember what year that was that you were employed there at the mill?—A. I think it was 1902 or 1903; I would not be sure.

Q. How long were you employed?—A. I would say about four years—three or four years; four years, I guess.

Q. That brought it up to the time——A. That I resigned.

Q. Well, I wish you would explain what connection you had with the mill and what became of the orders to issue while you were there?—A. I was there attending to the issuance, measuring the lumber, delivering it, and receiving logs for the Government.

Q. Who was in charge of that mill?—A. Mr. McIntosh had charge at one time.

Q. And who had succeeded him?—A. Mr. Lynch.

Q. How long was Mr. Lynch in charge?—A. About a year and a half or more.

Q. And during that time did he have some teams employed there?—A. Yes, sir.

Q. What did they do?—A. Well, they were used to haul lumber away from the mill and pile it up after it was sawed.

Q. How many teams did he have?—A. Well, when he first came [illegible]here he used two teams for a little while, and when he took one out [illegible] kept one there right along until the work was done.

Q. And do you know how much he got per day for that team?—A. I think they allowed $4 a day for man and team. That is what the authority called for, $4 a day for man and team.

Q. And was Lynch driver while he was there?—A. Yes, sir; and he had Jerry Culp finally.

Q. Who was he?—A. He was his nephew. Then he had Joe Beaulieu drive with the one team for a while.

Q. Anybody else?—A. Jesse Porter.

Q. When was Jesse Porter employed by him as teamster?—A. When he first came to the mill, he was driving a team there for awhile.

Q. During that time was he not reported as a mechanic?—A. Yes, sir: all the time he was there.

Q. All of that time that he was a teamster?—A. All the time that he worked at the mill.

Q. He was reported as a mechanic?—A. Yes, sir.

Q. And yet he was driving a team for Lynch, was he not?—A. Not all the time.

Q. Not all the time?—A. Not all the time.

Mr. GRAHAM. Just there, Mr. Beaulieu, let me see if I understand you. Do you mean that he was on the pay roll as a mechanic and getting pay as a mechanic when he was driving a team for Mr. Lynch?

The WITNESS. It was Mrs. Lynch's team.

Mr. GRAHAM. You have stated up to this time that this was Mr. Lynch's team.

The WITNESS. Well, this was Mrs. Louise Lynch's.

Q. It was not employed in her name?—A. Yes.

Q. What did they do with the team; did they keep it employed at the mill constantly, or did they haul lumber besides?—A. They hauled lumber at times; sometimes they kept them there at the mill.

Q. During the time that they hauled lumber, what did they get for hauling?—A. They were allowed $7 per thousand.

Q. From where?—A. From the mill to the agency.

Q. And during the time they were hauling lumber did Mrs. Lynch get pay for the team for work done at the mill?

Mr. GRAHAM. Do you mean by that that the same team got double pay daily?

The WITNESS. Yes, sir.

Mr. GRAHAM. It was supposed to be working at the mill and getting pay for that, and, in fact, it was hauling lumber from the mill and getting paid for that also.

The WITNESS. Yes, sir.

Mr. BURCH. And approved by the Government, a man who was getting pay elsewhere?

The WITNESS. Yes, sir.

Q. How do you know that?—A. Well, I got ahold of this time report, and I reported it to Mr. Church—Mr. F. C. Church. I think that was the special agent; I think those are the initials; I wouldn't be sure.

Q. Was it not also reported to Mr. Davis?—A. That was something else that was reported to Mr. Davis. I had reported this to Dahlby here; I believe I reported this to him.

Q. Did you not also report it to S. B. Davis?—A. No, sir; not this.

Q. Did you report something else to him?—A. Something else I reported to him.

Q. Well, now, as the result of these reports what was done?—A. Well, nothing.

Q. Were you not dismissed for awhile—suspended?—A. No, sir.

Q. I mean didn't the agency suspend you for a while?—A. No, sir.

Q. Well, weren't you away from the mill for a while?—A. Yes, sir.

Q. Well, I wish you would explain that?—A. I was detailed to help Mr. Downs when he first came up here to inspect some horses that had been issued to the Mille Lacs removals—as the Government farmer.

Mr. GEORGE. That is, you were as a Government farmer?

The WITNESS. Yes; I went along with Mr. Downs and stayed with him just one month.

Q. Well, who took your place at the mill while you were absent?—A. Mr. Lynch—not at that time; he took it some time later.

Q. Were you not let out of the service for a little while and then reinstated by the Government, who said that your pay would continue regardless of the fact that the agent had let you out?—A. I have no recollection of it. I might explain it; I guess, that you have the wrong idea of it.

Q. I would like to have your explanation.—A. Well, when I got through with Mr. Downs, I went over with Mr. S. B. Davis, I think his name was; went through the timber—that is, the pine country—we were gone two days, or three days, I think, and we got back to White Earth, and he says to me, "I want you to be with me and help me," he says. So I told him if there was anything I could do for him I would be willing to do it, and I went home. I was then living at the sawmill. About a week after that Michelet wrote me to come down and report at the office, and I went down, and he told me that I would have to go to Mr. Davis; that I had better go in and see him. I went in the next room and he told me what he wanted. I asked him what the salary would be, and before he answered me Mr. McIntosh came in and Mr. McKenzie, and of course he got to talking with them and left me out; so I went back into the other room and waited for him. After he got through with these two gentlemen, I went back and he told me that I could go out as a Government estimater, but that I couldn't get any more than $50 per month for that work. I told him then I couldn't afford to work for that pay. So I left him at that, and I went back to Michelet, and he said I had better go with him, and he said "We might fix it up in some way so you could get money for your expenses; that expenses would be allowed, or something." I told him then that I would be willing to go that way, and I went home. And when I got home Mr. Lynch handed me an order from the agency requesting me to turn over the books to Mr. Lynch—that is, the issue books—and that he would take charge of the yard during my absence.

The next morning I had some work to do in the yards there and I refused to go with Mr. Davis. I told him I couldn't go out, and that he would have to attend to the work for us. He asked the

reasons, and I told him that I had received instructions from the yards to turn over all the books, and I had to balance them up so as to get them straight. I generally kept a small book in use in the yard and a bigger book I used in the office. He asked to see the instructions and I let him have them. He didn't like the idea, but anyway after the first day I went out and done a little work in the woods and came back, and he asked me if I wouldn't go out and stay with him at least three or four days. He wanted to know where most of the pine was; he was estimating then, and he had a crew of men with him estimating, so I went as far as the headquarters camp with him. I was gone four days and came back home. I stayed then, and when he got around back there he called for me, and he used to direct me out to the men to see where they were, and so on, and report; and I stayed with him about a month, and I went away. Lynch said, "Talk with Michelet about that work out there," and he says, "You will have to go back and take charge of the yard." I reported to Michelet for duty and asked him if he would keep me there that winter, and he said, "I guess you will have to go back to the mill unless something turns up later that we don't know anything about," and that was all I cared about. I wanted to put up my hat, and wanted to know where I was going to do; so I went back, and I didn't get clear home that day, and Lynch went up that same day, and I found he hired Fred Dick to take charge of the yard and do that issuing; left him all the books and instructed him what to do, and Michelet had already instructed me. I didn't say anything more about it, but simply sat down and wrote a letter to the Commissioner of Indian Affairs about the matter; that the agent had instructed me to take charge of that yard and attend to the issuing of the lumber. Does that cover your question? I was never let out of service.

Q. During the time that you were at the mill, do you know of any lumber being hauled down to the Old Forks Home at White Earth by Lynch's team?—A. Well, there was quite a lot of lumber hauled to White Earth.

Q. Do you know whether there was any complaint made about that matter?—A. Yes.

Q. To whom was the complaint made?—A. Well, it was made to the agent.

Q. Did anyone investigate the matter?—A. Mr. Davis did.

Q. I wish you would tell about his investigation.—A. I will tell what he investigated. But these other complaints to the agent, that Lynch was getting all the lumber to haul, and the people up there was not getting any to haul; and that was all the complaint the agent got. Davis was at White Earth at that time, and I was there; and there was some building going on there in town, and he asked me—he said, "Beaulieu, I wish you would try to find out where the lumber comes from." He says, "I believe Lynch is helping himself to the Government lumber; and if you can find out I wish you would let me know." I said, "I guess I could find out." So I met Antoine Charrette, who was stopping right opposite the building, and I passed there three or four times before I spoke to him, and I says to him: "You must know everything that is going on here?" "Well," he says, "yes; I don't understand why they are painting this lumber as fast as they nail it on. There is something

must be wrong on that side of the building, this side," he said, pointing right at it. He said, "This in front is all pine lumber, and a load of pine lumber came from the mill"—he mentioned the day, but I don't just remember what date it is now. I says to him, "Can you find out?" I said there was a load of siding intended for the old folks' home, and I said, "You live up there and can ask Mrs. English, who was matron there at that time, if that lumber was delivered." So he went up right off; the matron was absent, I think, at that time. Mrs. Zurette—that was his wife—was cook there, and he found out that Lynch or Jesse Porter had unloaded half a load of siding and went on with the rest, and she saw him drive down to Lynch's barn and stop there. This was in the evening. So I went back and I reported to Mr. Davis, and I already knew that it came from the mill. He took the matter up himself; whatever he reported, I don't know.

Q. Did he find anything there which was fraudulent?—A. Well, he found that Lynch stole that half load of lumber, I expect.

Q. Is that all that he found?—A. I guess that is all; that is all that was reported to me.

Q. Do you know whether any other lumber was used by Lynch or not?—A. No, sir.

Q. Do you know from what source the lumber came he used to build his houses on the farm?—A. No.

Q. Now, you were in the Government employ in 1905, were you not?—A. In 1905; yes, sir.

Q. Did you during that time go into the woods and get descriptions of pine timber lands?—A. Yes, sir.

Q. I wish you would explain that to the committee fully.—A. Well, I went in there in the woods; there was four of us that started from the sawmill.

Q. Who were the four?—A. Fred Beaulieu, my son; and Tom Smith and John Rock and Wah-wah-yea-cumig.

Q. Those were all Indians, all members of the tribe?—A. Yes, sir; two of them were.

Q. Who were the members of the tribe?—A. John Rock and Tom Smith.

Q. Well, are you not a member of the tribe?—A. Well, that is a question——

Q. I know; but were you recognized as a member of the tribe?—A. Yes, sir; I was at that time.

Q. And so was your son, Fred Beaulieu?—A. Yes, sir.

Q. Now, I want you to tell just what took place.—A. Well, we went out there in the woods and started for a mill and went to a camp near the headquarters camp. We camped there and stayed there, I guess, two or three days. We run through the country, all over the woods, getting descriptions of different tracts of land, and we met another Indian out there; his name is, I think, O-zow-ay-tay. That made five of us in the party. We went on then; we moved on from there east and camped in different places; we were running short of grub and it was too expensive for me, so I came home with quite a number of descriptions. When the time came for the allotment I went to White Earth, and when they commenced to make the

allotments I was appointed as one of the committee to see that the allotments were made correctly.

Q. To see that no one who had no right to an allotment would be allotted anything?—A. Yes. And that is where Michelet called upon me to assist these parties that didn't have any descriptions and couldn't help themselves. I continued to do that until I went home and they got through their allotting. I think they commenced allotting again and I went down again. I went out with another party. I think there were six or seven of us in that party. We were gone another week. And I gave them the descriptions right in the woods. I told them to go to White Earth and get their allotments, because it was my instructions from Michelet; he wanted to help them; but they neglected to do that; they didn't come. The date had been set—I think it was the 16th of May; I would not be positive as to the date, but I think it was the 16th. They waited for them that day and they didn't make any effort to try to make their allotments. I stayed there, I think, two or three days, and I went back home.

Q. Did you charge them anything for those minutes?—A. No, sir; I didn't charge anything for them.

Q. You didn't charge anything for it?—A. No, sir.

Q. Now, were you there on the day that the first allotments were made?—A. Yes, sir.

Q. What day was that?—A. I think it was the 4th of April.

Q. The 4th of April?—A. Or the 5th.

Q. Was it not the 24th of April?—A. It might have been. It was Easter Monday, or rather Sunday, when they lined up there.

Q. Easter Sunday was the 23d. And do you know what happened just before they started the allotments, commenced to make the allotments?—I wish you would explain what you know about what took place there then.—A. Well, I got busy Easter Sunday. I just got back and, I got busy, and I called on Henry Selkirk and R. B. Fairbanks, and I told them I had a proposition to make, and they said, "What do you want;" and I said, "Here is a line of people here lined up for allotments" I said, "We want to get busy and line up ourselves," if that is the way they are going to do; that is, line up on the other side of the gate and then we will send up a notice to Michelet about 12 o'clcok that they are ready for allotments, and I said, "The majority ought to rule; at least we will get some kind of a hearing." He said that was a good plan, and Mr. Selkirk said the same thing. There was a council being held up in the woods somewhere and we sent a message out there saying what we were going to do. They came down that same evening. They had a meeting in town somewhere, but I wasn't present; but they sent for the agent, or some one went up and seen him, and he promised to give them a hearing in the morning. There was a committee of six or eight, I think, went in, and they had started a council and they agreed that they would take their allotments and that they could pair off; one full blood and one mixed blood, and go in for their allotments.

Q. You took sides with the mixed bloods, did you not?—A. Yes.

Q. And also reservation mixed bloods?—A. Yes, sir.

Q. The line that was formed by the mixed bloods was principally nonreservation mixed bloods?—A. Yes, sir.

Q. And that was the reason that the reservation mixed bloods and full bloods joined against having this line recognized?—A. Yes.

Q. When the allotments were being made, didn't the reservation mixed bloods make every effort to get the full bloods to take their allotments?—A. Yes.

Q. And didn't the full bloods refuse to do so, a great many of them?—A. Yes.

Q. Now, wasn't that the reason why very many of them got poor allotments?—A. Yes, the main reason.

Q. Were you there afterwards when Maj. McLaughlin came there?—A. Yes; I was there a little while.

Q. Did you take part in that council?—A. Yes, I was present.

Q. That is, you didn't speak, but you were present.—A. No, I didn't speak; I didn't say anything at the council.

Q. Did you vote in the council?—A. Yes, I voted.

Q. Did you vote in favor or against the allotting made by Michelet?—A. I voted in favor.

Q. How many were there voting in favor, if you remember; or about how many?—A. Oh, I couldn't say. I don't remember.

Q. Do you remember how many voted against it?—A. It was very few, very few.

Q. Was there ample notice given by Maj. McLaughlin with regard to the council that was held?

Mr. GRAHAM. Change that question and ask him what notice was given. Perhaps he is not capable of judging what is ample notice.

Q. What notice was given by Maj. McLaughlin regarding the council?—A. All I know was just—I was at the mill at that time, and I got it from the people that came there. I was in the mill every day and didn't know except from hearsay. I know the people that came there told me there was going to be a council.

Q. You were in an isolated part of the reservation?—A. It was about 20 or 22 miles from the agency.

Q. And it was that far away from the mail routes?—A. Yes.

Q. And you heard that there was going to be a council?—A. Yes.

Q. Did you get ample notice so that you could go to the council?—A. Yes.

Mr. GRAHAM. How much notice?

The WITNESS. Probably a week or so.

Q. And the notice was made, or, rather, the council was held, and a large number voted in favor of the allotments made by Michelet?—A. Yes.

Q. Do you know whether there was a proposition to sell the allotments under the Wisconsin system—the allotment timber I mean?—Yes; I didn't know much about it, only just what Mr. Davis told me.

Q. What did Mr. Davis say about it?—A. He said it would be a good plan if we would sell it to him. He told me he thought that plan would give work to a whole lot of people up there—the Indians—that they would put up the mills and manufacture that lumber right in the woods.

Q. He was there for what purpose—for the purpose of estimating the timber?—A. Yes.

Q. And what was the feeling among the allottees at White Earth regarding that matter?—A. They were generally against it.

Q. They were strongly against it?—A. They were strongly against it.

Q. Did they have any councils—any meetings there?—A. They might have had. I don't know. I wasn't there. I was at White Earth.

Short recess.

Examined by Mr. BURCH:

Q. Mr. Beaulieu, when did you locate in point of time this shortage of 500,000 feet of lumber in the mill yard?—A. In 1898 or 1897.

Q. Who was agent at that time?—A. That was before Michelet's time, wasn't it? That was Robert M. Allen and Maj. Sutherland.

Q. And who was running the mill then?—A. John Lynch had the contract.

Q. He was doing it by contract?—A. Yes, sir.

Q. What was the nature of this contract?—A. Well, the contract—the Government had the contract for so many hundred thousand feet—I think it was 3,000,000 feet of lumber.

Q. Now, that was to log it, to saw it; that is, to manufacture it, log it from the woods, and deliver it?—A. No, sir. Piling it up in the yards.

Q. Buying it by the thousand?—A. Buying it by the thousands.

Q. Then any arrangement about the hauling would be the Government's matter; that is, it would be a governmental matter? For instance, if he did anything wrong about delivering the lumber out of the yard that would be a Government matter. If there was anything went wrong up to the time it was piled, it would be his own matter?—A. Well, I don't understand——

Q. Well, if he was buying it by the thousand and hired the men and paid all the expense of runnig the mill up to the time the lumber was piled in the yard; that is your idea?—A. Yes.

Q. Then it was only in the delivering of that lumber elsewhere after that that he could be involved in any wrongdoing?—A. No, sir.

Q. Well, explain.—A. He had a contract—well, we will say 3,000,000—from the Government at $5 or $6 a thousand; $7, I think, was the contract. He was getting $7 a thousand, and he got paid for the full amount, whereas he was short 500,000 feet of lumber.

Q. That is not what I was getting at. I was speaking about the hauling.—A. He had nothing to do with the hauling.

Q. I thought you said Mrs. Lynch——A. Well, this is something else—a different proposition.

Q. Now, then, your proposition is that he got pay for 500,000 feet that he never did log out and saw?—A. Never fulfilled his contract, and got pay for that much.

Q. In other words, he put in overestimates and overreports for 500,000 feet and——A. Yes, sir.

Q. And got pay for cutting and manufacturing it?—A. Yes, sir.

Q. And that would be equivalent, then, to $3,500?—A. About that; yes, sir.

Q. Thereabouts, if it was $7 a thousand—and he never did that work?—A. Never did that work.

Q. You don't mean, then, that he surreptitiously got rid of the lumber—that he sold it, in other words?—A. No. He didn't manufacture it.

Q. I think that is the first time we have understood it that way. Perhaps others may have, but I didn't.

Examined by Mr. GRAHAM:

Q. How soon after the lumber was turned over to the Government and measured was it that it was taken away and the shortage discovered?—A. The shortage was discovered about a year later; it was never discovered until I was instructed to go and take charge of the lumber.

Q. Had there been no change in the amount of lumber in the yard during that year?—A. There had been quite a lot of it hauled out.

Q. How do you know that Lynch didn't turn over to the Government the amount of manufactured lumber that he was paid for?—A. Well, I went by their accounts.

Q. And how did you know that somebody else may not have taken that during the year between the time that he turned it over to the Government and the time it was taken away?—A. Well, the accounts don't show it. If anybody had taken it, the accounts would have shown it. They kept account of how much was taken away each load.

Q. If it was dishonestly taken, the account wouldn't show it?—A. Well, no. I don't think it was dishonestly taken away.

Q. I am asking you to explain. You see the point; you say that Lynch manufactured a certain amount of lumber for the Government and that was turned over to the Government on the 1st of January of a certain year?—A. Yes.

Q. Then, it was taken away, on the 1st of January a year later, and it turns out to be 500,000 feet short?—A. Yes, sir.

Q. Now, was Lynch responsible for its safekeeping during that year, and how did you know he did not turn over the proper amount in the first place? Please explain about that. I am only wanting to know.—A. Yes; from the accounts kept in the yard; the Government always had a man there from the beginning.

Mr. BURCH. An issue clerk?

The WITNESS. An issue clerk. It is a scaler. He was the man to receive the report.

Q. Well, might he not take 500,000 feet of lumber just as well as anyone?—A. He could not very well have taken it.

Q. A year is a long time.—A. Yes.

Q. When he received that from Lynch he must have measured it.

Mr. GEORGE. Then, so far as that was concerned, Lynch was out of any responsibility? He had delivered the full amount of lumber.

The WITNESS. According to the scaler's figures; yes.

Mr. GEORGE. But a year later you came in and made the measurement and your measurement was 500,000 feet short?

The WITNESS. Yes, sir.

Q. Now, you see the difficulty, as you claim Lynch was responsible; we want you to show how, for that year or so.—A. Well, Lynch kept this man Louzon intoxicated most of the time, and this man didn't do his duty.

Mr. GEORGE. Was it Louzon who measured?

The WITNESS. Why, he was the Government man and Lynch had the contract.

Q. Well, are you prepared to show that when Louzon reported that Lynch had furnished the required amount of lumber under the contract that such report by Louzon was false and untrue?—A. Yes, sir.

Q. How do you know that?—A. Because their accounts didn't show it.

Q. But that leaves the same gap of a whole year for somebody else to do this thing in.—A. Well, they have always had a man there.

Q. How do you know that at the time Louzon received the lumber from Lynch he made a false and untrue report of the amount there was?—A. Well, from the boys that hauled the lumber.

Q. Very well. You do it your way. Show what the point is—get at it your own way.—A. Well, the orders from the office called for 500,000 feet of lumber, and they had to duplicate—the number of the order had to correspond—this duplicate order had to correspond with the original order calling for the amount of lumber, and in delivering this lumber you had to charge each load on this blank order and turn it over to the man who had the order, and charge it on the mill book and keep the accounts that way until the order was filled, and there was quite a number that never got their lumber. You can prooably find a few right here.

Q. For the lapse of how long a time?—A. Right along. About a year or so they were hauling lumber when they had time.

Mr. GEORGE. Was this lumber that you are now speaking of delivered after Lynch or before Lynch—was it lumber being delivered by Lynch into the yard?

The WITNESS. Yes, sir.

Mr. GEORGE. Or lumber being delivered out of the yard after Lynch was supposed to deliver it there?

The WITNESS. After delivering it out. Yes.

Examined by Mr. BURCH:

Q. Now, Mr. Beaulieu, this lumber was tallied at the tail end of the mill?—A. It was measured in piles. It was piled up in proper shape.

Q. Louzon didn't measure it as it came out of the tail end of the mill, and went onto the wagons into the yard and measured it after it got onto the piles?—A. I suppose he done it that way.

Q. Well, do you know?—A. Yes; I know that it was measured, and measured that way when he was in condition to measure it.

Q. Do you know whether it was done in the pile or as it came from——A. Some of it was done from the platform, and he measured that.

Q. Did you see that?—A. Yes, sir.

Q. You were present at that time?—A. Yes, sir.

Q. And was he intoxicated at that time?—A. Yes, sir; he was. I was there and hauled a few loads myself.

Q. Was any lumber taken away before the mill shut down?—A. Yes, sir; there was quite a bit of it taken away.

Q. Now, who was the issue clerk or officer when it was being taken away?—A. Louzon.

Q. The same man?—A. The same man.

Q. Well, was he all the while up to the time you discovered this deficit?—A. No; there was another man.

Q. Who was he?—A. James Van Wert.

Q. One or the other of these men was on the ground all the while from the time the mill commenced running and when the lumber began to be sawed until the time you went there and found a deficit?—A. Yes, sir.

Q. Now, you found this deficit by checking the amount of lumber that had been tallied out of the yards and loaded onto the wagons and taken away?—A. Yes, sir.

Q. And on the estimates when you measured it?—A. Yes, sir.

Q. What had been taken away and what had remained on hand compared with the amount he had charged for manufacturing—there was 500,000 feet difference?—A. Yes, sir.

Q. Was there anybody assisting you in this measurement?—A. There was a man there who was scaling for the Chippewa commission.

Q. Did he help you tally?—A. Yes, sir.

Q. Your method was to count the ends of the boards, the numbers of the boards, or measure them across on each layer of lumber, and get the length of the lumber—A. I used a tapeline on the boards.

Q. What was the name of that man?—A. John Johnson, jr.

Q. Well, I want to know how much there was that you measured up—I mean out of this 3,000,000 feet?—A. I think it was 3,000,000 feet.

Q. Well, how much of that was left in the yard that you measured up?—A. I think there was nearly 500,000 feet.

Q. Now, that was piled up?—A. Yes, sir.

Q. Did you measure it in the lumber pile?—A. Yes, sir.

Q. Now, was it measured in piles according to length?—A. Yes, sir.

Q. Now, all lumber in one pile would be 12 feet long?—A. Yes, sir.

Q. And all lumber in another 14 feet?—A. Yes, sir.

Q. And another 16 feet, and so on?—A. Yes, sir.

Q. Then there was no chance that by odds and ends of its being of uneven length, that you could have made any mistake?—A. No.

Q. Did you check, tally, or check with this man that assisted you in measuring it up—this John Johnson, jr.?—A. No.

Q. You did the figuring and he did the figuring?—A. I did the figuring and he did, too.

Q. That is what I mean. You each figured it up for himself?—A. Yes.

Q. And you agreed?—A. We agreed.

Q. Was he a sober man?—A. Yes, sir.

Q. A good lumberman?—A. He was a good lumberman. He was capable of doing that work.

Q. Now, you say the dimension stuff was different. How did you account for that?—A. We counted the pieces.

Q. Well, you could not make a mistake of but a few thousand feet in 450,000 feet?—A. I will admit that I am liable to make mistakes.

Q. Well, but you couldn't possibly mistake more than a few thousand in measuring 450,000 feet?—A. Yes.

Q. Now, did you call this to the attention of the agent?—A. I made report of it immediately.

Q. To whom?—A. Mr. Sutherland.

Q. What did he do about it?—A. He didn't do a thing. He couldn't do a thing. He went to Lederbauer, but Lederbauer was the property clerk. He went and asked him what was the trouble, but of course he was unable to explain. I told him what I found on the books that was due and the amount that was in the yard, of course, and I went back to the yard and he sent for me again to bring all the books; and I brought in all the books and he said, "I wish you would call Louzon up and help him with these books." He kept me a day or two and we went over the books, but Louzon was not able to do anything.

Q. I fancy what the committee would like to know about this is whether anybody possibly could have taken away that lumber without the knowledge of Louzon during the summer; that is, steal it nights or get it away daytimes when he was drunk, or something of that kind.

Mr. GRAHAM. Or when others were taking orders, that they might get more than was coming to them?

Q. Yes; mismeasured it when they passed out the 2,500,000 feet?—A. No; I don't think so. Not that amount.

Q. You think it was just Lynch; that is, the contractor?—A. I think they were short on the contract.

Q. Now, was that not investigated by anybody besides Mr. Sutherland, this Agent Sutherland?—A. Tinker was going to investigate it, but he was called to follow that outbreak.

Q. Called away over to the Leech Lake battle?—A. Called to Leech Lake.

Q. Now, these other events that you have been testifying about, were during the Michelet administration; that is, from 1902 or 1903, when you went back into the service, and until 1906?—A. Yes, sir.

Q. And later—now, that series of events?—A. Yes.

Q. Now, Lynch comes on the scene again there?—A. Yes, sir.

Q. That is, his wife's team does?—A. Yes, sir.

Q. And he is there in the mill managing the mill for the Government?—A. Yes, sir.

Q. Not as a contractor?—A. No, sir.

Q. But at that time you charge that he had a man who was carried in one capacity on the roll, in driving teams?—A. Yes, sir.

Q. And charging $4 a day for the team?—A. Yes, sir.

Q. And then got $7 a day for the same team when he was charging the $4 for drawing the lumber away?—A. Yes, sir; and the driver was getting $3.

Q. And the driver was a $3 a day man?

Mr. GRAHAM. In what capacity, as mechanic or driver?

The WITNESS. He was millwright, you might say.

Mr. GRAHAM. Was he getting the $3 as mechanic or for driving Lynch's team?

The WITNESS. $3 as a mechanic.

Q. And his work was really utilized without charge to Mrs. Lynch in driving the team, and the team was bringing $4 a day and earning $7 per thousand for lumber besides?—A. Yes; sir; yes, sir; that is, not all the time, but at different times.

Q. Then this was all charged up to the Government?—A. Yes, sir.

Q. Did the Government lose in the graft, if it was graft?—A. Yes, sir.

Q. And what did you do about reporting that?—A. Well, I reported it to Mr. Church.

Q. Who was Church?—A. Special agent.

Q. Did you report to Michelet direct? He was superintendent.—A. I didn't discover it until I got through, and just about that time Church came along.

Q. Didn't Michelet know anything about it?—A. Yes; he learned of it later.

Q. What did he do about it?—A. I don't know. Charges were left for report by him or Mr. Church.

Mr. GEORGE. Left charges with Michelet to report to the Government?

The WITNESS. Yes.

Q. Now, in truth, Mr. Beaulieu, didn't the Government send this man Dalby to investigate this?—A. Yes, sir.

Q. He investigated it?—A. Yes; I believe he did; he called me up as witness.

Q. He reported to the Government at Washington that there was nothing in it?—A. He may have reported that way.

Q. Was that report, in your opinion, false; if he did so report, in your opinion was he wrong?—A. He told me it was right.

Q. What was right?—A. That this report was—these charges.

Q. Dalby did?—A. Yes, sir; and so did Mr. Church. Mr. Church told me the same thing. He said, "Your statement is correct and proper, and the vouchers and the stubs show it is as you reported."

Mr. GEORGE. Did he say that after making the investigation?

The WITNESS. Yes, sir. The evening before he went away this is what Church told me. He went over each case. I said my brother had made the charges and they looked it up, and I happened to go down there to the mill and he called me up and asked me about it.

Q. Then, if he reported to the department at Washington that there was nothing in the charges, no foundation for them, and that such charges were unworthy of belief, considering the source from which they came, he dealt doubly; he told you one thing and reported another thing to the department? Is that it?—A. Yes, sir.

Q. Now, I don't want to charge you with anything, I simply want to know what your understanding of the matter was.

Mr. GRAHAM. Did they give you a full hearing—Dalby and Church?

The WITNESS. Yes, sir.

Mr. GRAHAM. Did they take testimony on the subject?

The WITNESS. Yes, sir; because he asked me for some other evidence that I might know regarding reservation matters.

Mr. GRAHAM. Were you sworn?

The WITNESS. Yes, sir.

Mr. GRAHAM. And the other witnesses who told him, were they sworn?

The WITNESS. I don't know. I went over some of Mr. Downs's work, and I was with Mr. Downs, and I saw an affidavit in regard to the inspection of horses, and he had me a couple of days there going over the same thing for information.

Q. I want to ask you if, during this earlier transaction in Sutherland's time, you were at the yard, yourself, during the summer when this stuff was going out?—A. What was that?

Q. In the earlier transaction you testified about, in Agent Sutherland's time, you went out there in the summer when the lumber was going out?

Mr. GEORGE. Was that after Lynch delivered the lumber and before he took charge of the yard——

Mr. BURCH. It was before Theodore B. Beaulieu came into charge and while the lumber was going out.

Mr. GEORGE. After Lynch delivered the lumber; there was a year between the time Lynch delivered the lumber and the time when Beaulieu took charge?

Mr. BURCH. Yes; the time when Lynch's contract was ended by the piling of the lumber in the yard and when Beaulieu took charge was as the spring and fall—wasn't that so [to witness]? In the spring they completed their contract for sawing and piling it?

The WITNESS. Some time during the summer time they had the additional contract. I don't know just what time it was.

Q. In the early summer?—A. Yes; they had another contract at Pine Point.

Q. It doesn't make any difference about that. Then you took charge of the yard and measured up the 400,000 feet in the fall?—A. Yes; it was in August some time.

Q. Then the lumber must have gone away rapidly, the way it was going while he was manufacturing?—A. Well, it was not going very rapidly when I was there.

Q. I mean before you took charge.—A. Oh, yes; in the winter; it went rapidly in the winter.

Q. Well, while it was being manufactured, it was going off pretty fast, too?—A. Yes.

Mr. BURCH. Does the committee understand now?

Mr. GEORGE. Yes.

Q. I will ask you again, did you have any part in measuring any of this lumber except the 400,000 feet?—A. That is all; that is what I had to handle.

Q. You had nothing to do with any of the rest of it until that balance of what was left over there came into your hands in August?—A. That is so. I had something to handle at Pine Point.

Q. Now, this 400,000 feet that you measured there, were you there all the while it was going out?—A. Not all the time.

Q. Who were, this man Johnson and a policeman?—A. The policeman was stationed there all the time during the time——

Q. And Johnson was there, measuring it out?—A. He was measuring the lumber for the Chippewa commission; he was not handling the lumber that I had charge of.

Q. Well, how long were you busy measuring this 400,000 feet?—A. I was about two days at it.

Q. How long was Johnson?—A. He was there before my time.

Q. How long——A. We worked together.

Q. The two days?—A. Two days, or three days; it may have been three days.

Q. Now, coming down to the occurrence connected with the additional allotments. It seems that you and your son and Joe Rock and another went out cruising. On whose orders did you go?—A. I did not go on anybody's orders.

Q. You were on Government time, weren't you?—A. No, sir. Yes; I was on Government time and I got leave of absence.

Q. Then, you were not being paid by the Government when you got these minutes?—A. Yes, sir: I was being paid for my services. I asked for a week or 10 days' leave of absence, and I told them what I was going for.

Q. Now, you got pay, or you didn't get pay?—A. I got pay.

Q. You were out this week; took a leave of absence from the mill?—A. Yes.

Q. And you went out? But you got pay from the Government while you were out?—A. Yes.

Q. And your son?—A. No, sir.

Q. Joe Rock?—A. No; Joe Rock didn't get any.

Q. Did the other man?—A. No, sir.

Q. Did they turn their minutes over to you?—A. No, sir.

Q. You just took minutes, the same as they?—A. Yes, sir.

Q. Did you scatter and each examine?—A. We stayed right together, because my son was running the compass.

Q. Then, really, you got the benefit of the whole thing, didn't you?—A. No, sir.

Q. Well, in other words, you got your figures and you got their description?—A. We all did; they got it and I got it.

Q. Yes, I know; but you got the figures on each description by your four men, your son running the compass; they estimated and you estimated?—A. No: I don't know as you call it estimating; they were looking to see where the pine was.

Q. Good-looking pine?—A. Good-looking pine; yes, sir.

Q. Now, then, you saw all that they saw?—A. Yes, sir.

Q. Well, that is enough about that. Now, you took that in and you knew which were pretty good forties and which were not? You had some way of identifying which were best and which were next best?—A. We made a kind of rough estimate.

Q. That is it exactly. Now, you went in and told Michelet about that?—A. I didn't tell him nothing about it. He called on me for help.

Q. The same thing. You reported to him that you had these estimates?—A. I never reported to him.

Q. Well, he found out?—A. Well, he found out in this way: When there were parties coming up for allotments he called on somebody in the house to go and help the person that was trying to get an allotment if they could.

Q. With the estimates that they had?—A. With anything they had; it might have been prairie land, too.

Q. Any knowledge they had?—A. Yes.

Q. To give the information?—A. He called me out and I went and I helped the party out; and after that he kept calling on me.

Q. To give this information?—A. To give them these allotments.

Q. Well, you went out again with four or five others just previous to the 15th of May, when the allotments began again, you went out then?—A. It was just a little while before that.

Q. And were they all Government people?—A. No, sir.

Q. Were you in the Government service then?—A. I was then; yes.

Q. Well, you took up another lot of minutes then?—A. Yes.

Q. And brought them in?—A. Yes.

Q. And went through the same process?—A. Well, I gave the copies of them to Michelet.

Q. At that time?—A. At that time.

Q. Did he hand them to the people?—A. I don't know. He gave them allotments, and I don't know whether he gave them then or not.

Q. He told them which ones to take?—A. Yes; and I gave descriptions to the parties that were with me.

Q. What I want to get at is this: In this process of "assisting," as you call it, the proposed allottees as they came along—the applicants——A. Yes, sir.

Q. Did he give each person—that is, the mixed bloods and the full bloods opposite—right down the line, this information, or did he give it just to some of them?—A. I don't know if he gave it to the mixed bloods or not, because they had their own descriptions.

Q. Well, on the full-blood line then, did he give it to each and every one?—A. Yes.

Q. Or did he give it to what you would call the old and feeble?—A. Yes, sir; so far as he had them.

Q. Take a great, big, robust full blood, or alleged full blood, like George Walters, for instance; did he give him any?—A. George Walters had his own description, and I think he got it from some of the mixed bloods.

Q. Well, great, big, intelligent full bloods; did he pay any attention to them or give them minutes?—A. Oh, he allotted the lands just as they came in.

Q. Did he take them—one, three, five, seven—as they came in and give each and every one——A. Yes.

Q. Of the full bloods?—A. Yes.

Q. Treated them all alike?—A. Treated them all alike.

Q. What do you mean by the old, decrepit people, etc., who could not help themselves, when you first testified?—A. There were old people there who wanted their allotments, and he looked after those more than he did after the younger ones.

Q. Well, how could he look after one more than another, if he took them right along in regular order?—A. Well, they could come in that way; they were lined up that way, and there was numbers issued.

Q. Yes; but if he treated them all alike, the strong and the weak, the young and the old, full bloods and mixed bloods; if he was treating them all alike, if he helped the poor and the old, the weak and decrepit, then he didn't treat them all alike. Which will you have it?—A. What I seen of them he treated them as right as he could.

Q. I am not talking about "right"; I say "alike."—A. When they came in by pairs, I think, the first day, he gave them numbers.

Q. Now, I want to go back; I don't want you to go all through that again: we have heard all that; I want to know about these people that he gave the information to, and caused you to give the

information to. Now, don't get your mind away from that. I again ask you if he gave this information to each and every one of these in the full-blood line as they came in, treating them alike—first come, first served, with the best information he had; or did he allow some of them to take care of themselves, because he supposed they were capable, and gave this information to others that he thought were not capable?—A. Well, I was not in possession of his information.

Q. Well, that that you gave?—A. There was some ahead of me who already had some minutes; I don't know who furnished them.

Q. I want to know what he did?—A. What I gave him he used fairly.

Q. I don't want your conclusion about what is "fairly"; that is a conclusion.—A. Well, he used it honestly.

Q. Well, I don't want "honestly"; that is a conclusion. I want to know what was done, and then we can conclude whether it was fairly or honestly. I want to know whether he gave it to old people, and those who were weak or ignorant, and anything of that kind, and omitted those people that were strong and capable to take care of themselves?—A. I don't know as he omitted anybody.

Mr. GRAHAM. Why can't you answer that question for him?

Mr. BURCH. I am going to have that question answered if it takes all day.

Mr. GRAHAM. We are wasting a great deal of time.

Mr. BEAULIEU. This is the first time he was ever on the witness stand; you ought to make a good deal of allowance; he was never on the witness stand before in his life. He is naturally confused; you can see that.

Mr. GRAHAM. It is a very simple question; if he can tell whether Mr. Michelet gave this information that he got from him to the old and feeble——

The WITNESS. Yes, sir.

Mr. GRAHAM (continuing). Or whether he gave it to some one class of people.

The WITNESS. Well, what I saw; I don't know what other class of people there was; you might say young people, if there was a young Indian came in there he gave it to him. I don't think he helped any mixed bloods, because they had their minutes.

Mr. BEAULIEU. Now, come to the point and tell what you know. If you don't know, why you don't know.

The WITNESS. Well, I am trying to tell you.

Q. Do you mean to say now that he gave this information, leaving the mixed bloods entirely out of consideration; put them to one side, and put your mind on the full-blood side? Do you mean to say that he gave it to the young, inexperienced class, and to the old and feeble class, and let the others take care of themselves? Now, you understand that surely.—A. Yes.

Q. That is what he did?—A. Yes——

Q. Well, now, that is enough.—A. (Continuing.) As far as I know.

Q. That is enough; that is an answer to the question. Were you on pay the time you went out to get these minutes for the 15th of May?—A. That I was on pay all the time?

Q. Were you on the regular or irregular list at that time?—A. I as a regular employee.

Q. Regular?—A. Yes.

Q. In what capacity—farmer?—A. I was assistant farmer.

Q. Now, were there double lines on the 15th of May when they came back that time?—A. They went by numbers.

Q. Had they received numbers when they came back on the 15th of May?—A. Yes, sir.

Q. Now, did you pursue the same policy, or did Michelet pursue the same policy about helping the young and the inexperienced and the old?—A. Yes, sir; that is what he did.

Q. And let the others take care of themselves?—A. What others do you mean?

Q. The middle aged and the strong and the intelligent of the full bloods?—A. Well, I don't know as he did that or not; I think he took care of the full bloods. Of course, I was not there all the time after the 15th.

Q. How much of the time were you there on the 15th?—A. I think I was there only two or three days, and went back to the mill.

Q. You went back to the mill?—A. Yes, sir.

Q. While you were there, did he do just as he did the first time, help out the unfortunate and let the others take care of themselves?—A. Yes.

Q. Well, now, one more question and we will conclude. You say that at the time the general council was held by Maj. McLaughlin, you heard about a week in advance that the council was to be held?—A. Yes; I said about a week.

Q. At that time you say you were on a remote portion of the reservation—22 miles from White Earth?—A. It was at that time; yes.

Q. Were there teams going back and forth every day?—A. Not every day.

Q. Well, pretty nearly?—A. Not very nearly.

Q. How often?—A. Maybe there would be a team going once a week, and maybe twice in two weeks.

Q. Any mail coming?—A. No mail coming to me.

Q. Weren't they hauling lumber back and forth?—A. No; not in the summer time, not when they were manufacturing it.

Q. Was this council in the summer time?—A. It was in the fall.

Q. At that time were there teams going back and forth?—A. No; only what were going to the agency.

Q. Was there a runner brought out that news?—A. The Indians were there often; they were going to the mill.

Q. From White Earth?—A. From White Earth.

Q. Would the same condition about giving notice be true if you had not been at the mill, but at some equally remote place where there were no people running in?—A. I don't know; I took it to be true.

Q. I don't think you understand me; but I guess you have answered all I want to know about it. I am sorry that we had any little——A. Oh, that is all right.

Examined by Mr. BEAULIEU:

Q. When you were measuring—scaling—lumber that this man Lynch contracted to deliver to the Government, did you find a large lumber pile with a big stake in the center?—A. No.

Q. Did you hear about it?—A. I may have heard of it; I don't have any recollection of it.

Q. How did the policeman happen to be at the mill while you were there?—A. Well, I had some other work to do up at Beaulieu. There was freight coming in there for the school and for the warehouse—blacksmith shop—and I had to be there to receive it, and they put this policeman there to take care of this lumber during my absence.

Q. Now, when this line—when this allotment was made, were not all the mixed bloods—that is, nearly all of them, if not all—the intelligent mixed bloods allotted also?—A. Yes, sir.

Q. Then all those that were allotted afterwards, after the 16th of May, came straggling along into Michelet?—A. Yes, sir.

Q. That is all.

Mr. BURCH. Did you give any of this information which you brought into the first series of allotments, and which you brought into the second one, in May, to your brother Gus? Did you give him any such information?

The WITNESS. No, sir; because I met him out there in the woods himself. He had some Indians with him himself, looking up the allotments.

Mr. GRAHAM. That is all, Mr. Beaulieu.

ANTOINE CHARRETTE sworn, testified as follows:

Miss Warren acted as interpreter.

Mr. GRAHAM. What do you want to show by this witness?

Mr. BEAULIEU. I just want to show something about lumber deals. I will use him only 5 or 10 minutes.

Examined by Mr. BEAULIEU:

Q. What is your name?—A. Antoine Charrette.

Q. Where do you live?—A. White Earth.

Q. Have you been employed by the Government?—A. No.

Q. Were you ever employed by the Government?—A. Yes; at one time I worked two years.

Q. What were you doing?—A. I was a policeman.

Q. You heard Theodore Beaulieu make a statement about certain lumber that was used to build a building at White Earth for a man by the name of Lynch, that came from the Government mills. I wish you would state everything you know about that.—A. No one told me about this; I found it out myself, and Theodore Beaulieu was not the one who informed me. But Theodore Beaulieu asked me about this, and I think this is where this all started from.

Q. What did you tell Theodore Beaulieu at that time?—A. Well, Mr. Beaulieu, "Coffee" Beaulieu, asked me why I was staying here. I said, "It is because on account of this load of lumber."

Miss WARREN. I think I can not interpret for him; he speaks so quickly.

Mr. GRAHAM. What did he say?

Mr. BEAULIEU. He said, "I never known lumber to be painted as fast as it was on that building." Is not that what he said?

Miss WARREN. Yes.

Mr. BEAULIEU (interpreting). "And that is the reason I am watching."

Mr. GRAHAM. This is an exceptional case. Usually we can not get them started, and now we can not stop this one.

Q. And what did you learn? What did you find out?

Miss WARREN. He says, "I saw the boards being nailed up on the other side, and they were putting up cedar also."

Q. Do you know where the boards came from that were being nailed up?—A. (Through interpreter.) He took off the load, and he left it there, and brought the other load down where Mr. Lynch—where he lives.

Q. He says he put it in the hayloft. And what did he do with it after it was in the hayloft, if you know?—A. The carpenter would take a board at a time from the hayloft, as he used it, and there is one man who knows about this—by the name of Van Oss.

Q. Well, then, a part of the load was delivered at the Old Folks Home, and the other part was used at Lynch's building?—A. Yes.

Q. Do you know anything about any other lumber that was used there?—A. Only I know this: I met his team. They had a load of lumber and used four horses. They branched off about the old trading post and went off on to the prairie, and I don't know where they went. I could not swear where they took this lumber.

Q. Was that in the direction of Mr. Lynch's farm?—A. Well, that is the only road that leads to Ogema and where his farm is.

Q. Was there any railroad there at that time?—A. Yes; there was one there.

Q. And the road where it turned off was 2 miles? [To the interpreter.] Did you interpret that he said 2½ miles from the agency?

Miss WARREN. No; at the old trading post—the trading post is 2 miles away from the agency, and that is where he turned off.

Q. He did not go toward the agency with this load of lumber?—A. No. He went over the prairie.

Q. Do you know anything about the time of the allotment of lands at White Earth?—A. Yes; I know that.

Q. Were you in line with them?—A. No; I couldn't even get a chance to get in the office.

Q. You did not get a very good allotment, then?—A. I have not taken an allotment as yet.

Q. That is, your additional allotment?—A. Yes.

Q. And you are a mixed blood, are you not?—A. I can not say what I am or tell about it.

Q. You don't know whether you are a mixed blood or not?—A. No; I don't know.

Q. Well, that is all.

Miss WARREN. He wants to ask the committee a question.

Mr. GRAHAM. Very well; let him do it.

The INTERPRETER. I suppose you are here to find about the Indians.

Mr. BEAULIEU (interpreting). How the Indian is being treated.

The INTERPRETER. Yes; or how they are being treated.

Mr. GRAHAM. It is a part of our business here.

The INTERPRETER. It is about a year ago that I brought a complaint to Maj. Howard that my daughter's timber was being cut from the land. My daughter is a child. He asked me if I could find out who was cutting that timber, and I said yes. And I brought in Ephraim Budro, who had signed the papers. Ephraim and Joe Perrault were the tresspassers. Those are the men who worked for

the tresspassers. That is the way I get it now—"those are the men who worked for the tresspassers."

Mr. GRAHAM. Who were the persons that they worked for?

The INTERPRETER. A man by the name of Matthews. He lives where I live.

Mr. GRAHAM. Did you talk with Maj. Howard about it and tell him all of it?

The INTERPRETER. I told one of Maj. Howard's clerks. Maj. Howard was at St. Paul or somewhere.

Mr. GRAHAM. What clerk did you talk with?

The INTERPRETER. He says he wears specs.

Mr. GRAHAM. Have you seen him here to-day?

The INTERPRETER. No; he is not here.

Mr. GRAHAM. Did you ever talk with Maj. Howard himself about it?

The INTERPRETER. I went to Maj. Howard and he told me that he could not help me, because I was a mixed blood.

Mr. BURCH. Wasn't it Mr. Barto, who wears glasses?

Miss WARREN. Probably it is, but the man he named as a relative of Mr. Howard; and I don't know how to translate that—about relatives.

Mr. GEORGE. Didn't he give his name?

The INTERPRETER. I did not ask his name. Mr. Dailey, a clerk there, told me to speak to this man; this clerk did not seem to know where the papers of my daughter's land were. Mr. Dailey had to help him.

Mr. GRAHAM. How much timber did they take off this allotment?

The INTERPRETER. They cut about 40 acres of it.

Mr. GRAHAM. Where did they take the logs to?

The INTERPRETER. They took the logs to Waubun, and outside of the reservation, and they also cut wood from this allotment.

Mr. GRAHAM. Is your father living?

The INTERPRETER. Yes; my father is alive.

Mr. GRAHAM. Is your mother alive?

The INTERPRETER. Yes; my mother is living.

Mr. GRAHAM. Are they full-blood Indians?

The INTERPRETER. That is where I am stalled. I don't know for myself what I am.

Mr. GRAHAM. Are you on the roll as a full blood or a mixed blood?

The INTERPRETER. I have not been told, even though I have asked. I have been put down as an Indian.

Mr. GRAHAM. Can we get some information on that?

Mr. BEAULIEU. It is found on page 12 [referring to Hinton roll].

Mr. DENNIS. He is down as a half-breed.

The INTERPRETER. I know that my grandmother didn't have any Indian blood, and she was—they called her a French woman.

Mr. GRAHAM. Well, you being a mixed blood, Maj. Howard would not have control over the matter and you would have to go into court and sue those who stole your timber and recover damages from them.

Mr. BEAULIEU. But, Mr. Chairman, he complained for his minor child.

Mr. GRAHAM. Oh, it was not his own allotment?

The INTERPRETER. It was my daughter's land. It was not mine.

Mr. GRAHAM. How old is your daughter?

The INTERPRETER. She is 15 now.

Mr. GRAHAM. Well, from your own statement of it, you have hardly presented the matter to Maj. Howard in the proper way, although if the information came to him it looks as if he might have taken some action, if he could, in the premises. You should go to Maj. Howard yourself; and better yet than going to him would be to put the matter in writing and send it to him.

The INTERPRETER. Why, he discouraged me by saying I was a mixed blood and he couldn't help me, he says. Where do I stand after that?

Mr. GRAHAM. Did you tell Maj. Howard it was not your allotment but an infant girl's that was involved?

The INTERPRETER. He asked me to bring in the two men who knew about it, which I did, and he told me he would send a surveyor out there, and he never went there, and there it stands to-day.

Mr. GRAHAM. How long ago was it you did all this?

The INTERPRETER. Last year—last winter—a year ago. I waited all last summer for him to take it up.

Mr. GRAHAM. Is there anything further that he wishes to say about it?

Miss WARREN. He says he wants to know if you will help him out in this. He says there has been too much timber taken out of his allotment.

Mr. BURCH. I respectfully suggest that if the matter is reported to Mr. Long, in his office, something will be doing about it in very short order.

Mr. GRAHAM. Well, if he is correct in his statement about it, it would be not only perfectly proper but at the same time necessary that Maj. Howard should report it to Mr. Long. That is the source from which it seems to me it should have come.

Mr. HOWARD. Mr. Chairman, my recollection of that is that from the description he gave me on it it was his own allotment. I don't recall ever taking the matter up with Mr. Carr for that reason.

Mr. GRAHAM. Well, we won't go any further into that subject now, but it ought to be inquired into.

Mr. HOWARD. If Mr. Charrettee will come to the office I will make a memorandum. I will give the matter my attention if this is his child's allotment.

The WITNESS. How would it look? My name is not Sadie.

Miss WARREN. Sadie Charrette is his daughter's name.

Mr. HOWARD. How old is she now?

Mr. GRAHAM. Fourteen years. Judge Burch, do you wish to ask the witnesses any questions?

Mr. BURCH. Mr. Cain will inquire.

Examined by Mr. CAIN (Miss Warren interpreting):

Q. You spoke, Mr. Charrette, of seeing a load of lumber branch off somewhere near the old trading post, did you not?—A. I only saw they took the load over.

Q. Under the agreement with the Mille Lac Indians, the Government was to build houses for them, was it not?—A. There were no houses built for them at that time when I saw this lumber taken over there.

Q. What time was this?—A. It was the first time that they sawed lumber. It was two years after they removed the Indians.

Q. For what purpose were they sawing lumber at that time?—A. It was for the purpose of removing the Mille Lac Indians.

Q. That is what the lumber was for, was it not?—A. Yes, that is why the lumber was sawed.

Q. And they were building those houses all over the reservation, not only the Mille Lacs, but for the Mississippis, were they not, in some instances?—A. Yes; some houses were built for the Mississippi Indians and also the Mille Lacs, but not all.

Q. Lumber was also taken around to the various schools on the reservation, was it not?—A. I don't know anything about that, or where the lumber went to. All I know is what I related to-day, and I don't believe I can lie.

Q. So far as you know, some of this lumber might have gone to the schools, or to build some of these houses for some of the Indians?—A. I only met the wagonload of lumber. I don't know where it was going, and I wish you would also ask me about the store that he built. Probably I can tell you about that, and as to other questions, I can not answer you.

Q. Is that what you state about the store, when you saw them painting the lumber?—A. Yes.

Q. Did you dispose of your original allotment, Mr. Charrette?—A. No: that was stolen from me.

Q. Stolen from you?—A. $5 was given me, and it was written down that it meant $500.

Mr. BEAULIEU. That is not right.

Mr. CARL. No, no.

Mr. BEAULIEU. Let me interpret that. He said $50.

Mr. GEORGE. Well, he is a perfect deluge. Can't you get him to speak slower or a few words at a time?

Mr. GRAHAM. Mr. Beaulieu, you interpret it.

At this point Mr. Beaulieu began interpreting.

Mr. BEAULIEU. He says, "When I asked for $5 they wrote that it was $50."

Q. Who did that?—A. Fred Sanders, he is probably in the room here. I am still mad at him; angry at him.

Q. How much did you bargain to sell this land for?—A. I didn't want to sell the land. I wanted to sell a few pine.

Q. You wanted to sell the pine on the land?

Witness speaks to Miss Warren in Chippewa.

Q. Can you tell us what you just told Miss Warren, in English? Tell us the story about this land in your own way. How much you got for it altogether. That is what we want to know, just how much you got for the land there.—A. No; I couldn't.

Mr. BEAULIEU. He says he received $75 and he was to receive $350.

Q. Was that for the land, or just for some pine on it?—

Mr. BEAULIEU. He doesn't answer the question, but he says "When I went to see him he says, 'I will buy the land also,' but I have not sold the land."

Q. You didn't intend to sell the land?

Mr. BEAULIEU (interpreting). No; I didn't intend to sell the land at all—only the pine timber that I had sold.

Q. When you signed the paper did you intend to sign a paper selling just the pine?

Mr. BEAULIEU (interpreting). That is all. Robert Morrison interpreted for me.

Q. But the paper that you did sign really sold the land, too. Is that it?

Mr. BEAULIEU (interpreting). That is, I presume, what they put on the deed; but I couldn't recognize what it was.

Q. Did the interpreter read it all over to you?

Mr. BEAULIEU (interpreting). No one read the paper at that time.

Q. Do you know what the amount of money was that was specified in the deed—$350, was that it?

Mr. BEAULIEU (interpreting). He gave me $50 at first, and he said, "You come later on," and it seems that he was giving me $5 instead of $50; and he charged me $50, though, just the same.

Q. Well, you can tell the difference between $5 and $50, all right; and he gave you $5? Is that it?

Mr. BEAULIEU (interpreting). That is what he did. I only asked him $5 at a time.

Q. But he charged up $50, as though he had paid you $50.

Mr. BEAULIEU (interpreting). Yes; that is what I found had been charged to me.

Q. Were you drinking at the time?

Mr. BEAULIEU (interpreting). No.

Q. How much money did you get after that?

Mr. BEAULIEU (interpreting). Nothing more after that.

Q. Only $50? Is that all you got, altogether?

Mr. BEAULIEU (interpreting). He gave me $50, and then he gave me $5 afterwards, and I wouldn't acept it.

Q. And did you ask him for the rest of your money?

Mr. BEAULIEU (interpreting). I did. I asked him, and he got angry.

Q. Did he say that he had paid you all that you had coming?

Mr. BEAULIEU (interpreting). Yes; that is what he said to me—"I have paid you all that is due you."

Q. Well, according to that, you only got about $10 out of that allotment?

Mr. GRAHAM. $55.

Mr. BEAULIEU (interpreting). He first gave me $50 in the bank.

Q. He gave you $50 entirely, and then the next time he gave you $5 and charged you with $50?

Mr. BEAULIEU (interpreting). He gave me $5 each time and chaged me $50 each time, making $100.

Mr. GEORGE. It is $100 charged but $10 received?

Mr. BEAULIEU. Yes.

Mr. GEORGE. That is, he received $50 first, and then there were two occasions on which he received $5 each time, making $60 received, while he was charged with $150.

Mr. BEAULIEU (interpreting). That is what he did, and he wouldn't give me the balance.

Q. Did he say why he wouldn't give you the balance?

Mr. BEAULIEU (interpreting). He said, "If you sign this paper I will give you the balance," and I refused to sign it.

Q. What paper was that?

Mr. BEAULIEU (interpreting). I don't know. He wouldn't tell me.

Examined by Mr. GRAHAM:

Q. What did you say his name was?—A. The one who bought the land from me then?

Q. Yes.—A. Fred Sanders.

Q. How long ago was it that he bought that land?

Miss WARREN. He says, "I dont' read. I can not tell the date exactly."

Q. I don't ask for the date. How long ago was it—six months?—A. About two years.

Q. How old are you?—A. Thirty-eight.

Q. Has Sanders taken possession of this land?—A. Yes; they have it, and I don't know why he is holding the paper.

Q. Is there timber on it?—A. Yes; a few pine is on it.

Q. Have they done anything with the timber?

Mr. BEAULIEU. He says, "I don't know that the timber has been cut." That was a part of his first answer.

Mr. DENNIS. Now, about the additional allotments; let us see how he lost that one.

Mr. GRAHAM. He said he hadn't taken any additional allotment.

Mr. DENNIS. There is one indicated on the roll. Would there be any way of telling about this?

Mr. GRAHAM. Are you sure you have not taken an additional allotment?

The INTERPRETER. Well, Fred Sanders took my additional allotment, but I sold my allotment.

Mr. GEORGE. This refers to the additional one?

The INTERPRETER. Yes; and the Fred Sanders's deal.

Mr. GEORGE. And did he previously sell his allotment?

The INTERPRETER. Yes; sold my original allotment first, and the buyer is here, and he still owes me $80.

Mr. GRAHAM. What did you sell the original allotment for?

The INTERPRETER. $950.

Mr. GRAHAM. To whom?

The INTERPRETER. To Ben Fairbanks.

Mr. GRAHAM. Has all that money been paid you?

The INTERPRETER. I took a trade in the store.

Mr. GRAHAM. Well, has the account been settled between you and Fairbanks?

The INTERPRETER. That is why I sold this land, to pay him my bill there.

Mr. GRAHAM. You don't complain about the sale of your original allotment, do you?

The INTERPRETER. No; he still owes me $80, but I suppose when he sells this land he will pay me the $80. I have already waited three years, and I don't know when he will sell this land.

Examined by Mr. BEAULIEU (Miss Warren interpreting):

Q. Have you received your fee patent for your original allotment?—A. No; I haven't got it yet, or anything.

Q. Have you ever made application?—A. No; I have not asked for it yet; but I don't know enough in an educational way to ask for it.

Q. Was not the arrangement with Ben Fairbanks that after he received the fee patent you would receive the balance due you?—A. No; he has never said anything to me. I have asked him once about it, and he has refused.

Mr. GRAHAM. He has refused to do what?

The INTERPRETER. I have asked him for a little money and he has refused to give it to me.

Mr. BURCH. I don't wish to make an argument, but I wish to make a suggestion to the committee and have it put upon the record. We of the Department of Justice have pursued the matters intrusted to us which involve the minors of the mixed bloods and the full bloods in our equity suits. We have never been requested to do more by the Interior Department, except in the criminal matters, which are not in point now. I suppose that arises from the doubt, or possibly the conclusion of the Interior Department, that it has no right to interfere in favor of the adult mixed bloods who have been defrauded in the matter of their allotments.

I respectfully suggest here and now, after the testimony of this witness in connection with many others, or several others, that it is equitably up to Congress, having passed this Clapp rider under which this condition of affairs arose, by some legislation, either to request or provide by law, that the Department of Justice may interfere in the cases of these parties, adults of mixed bloods, who have been defrauded, to redress their wrongs, if possible, or to appropriate a sum of money which will pay some other competent attorney to take these matters up and see to them in cases like this man here—and I won't say they are general, but there are hundreds, perhaps, of these cases, and they ought to be looked after in the very near future.

On account of the statute of limitations the opportunities of remedial action and the obtaining of justice grow more and more remote all the while. Something should be done. I think it is equitably due them, having been put in this position by the passage of this Clapp rider, from which all these wrongs occurred, that they should have that measure of protection. There is a man [pointing to witness] quite smart and intelligent, in a way; he is deprived, perhaps justly, of his last $80 on his original allotment because he has not procured his fee simple patent. He states he does not know how to go about it, and probably he has not money to pay a lawyer to do it. It is a pitiful condition of affairs that, I say, equitably appeals to Congress, through whom this havoc has been wrought, to try, it may be by legislation, to assist these people as far as possible—not to regain their lands; that probably would be impossible; it would be impossible, indeed, unless the State courts should say that they had been deprived of their land by frauds and misrepresentation—but at least to obtain some measure of justice in collecting the money that these people have promised to pay them and have not paid them. I offer it as a suggestion.

Mr. GEORGE. A chance to clear up one point there, please. You spoke of the last $80 on the additional allotment. You mean the original allotment.

Mr. BURCH. No; I said the fee simple patent.

Mr. GEORGE. But relating to the original allotment.

Mr. BURCH. Yes; this man got an original allotment and sold it, for apparently a very fair price, to Mr. Benjamin Fairbanks, and

went to pay his bill and found that he had had it all but $80. Now, I can not say that it was an unjust thing in Mr. Fairbanks to say to him, "You must give me a fee simple patent, which will be record of evidence of the clearness of your title, before I pay you this last $80, and I hold it for that purpose." But here is a man—he has not the means nor the intelligence—at least, that is what he claims—to go to work and get this fee simple patent. If he had come in to Messrs. Long and Hinton and presented his case, apparently they would have sent on and recommended the issue of the patent. But he didn't go to them. That is, he was not wise enough to do it. He is a simple fellow, but probably better than the most of them. Now, with an attorney giving his attention to this how many of these wrongs could be righted in a comparatively short space of time? I can not say that, but I can imagine an attorney listening to these matters will say, "Why, present that matter to Messrs. Long and Hinton or directly to the Interior Department; the fee simple patent will be forthcoming in a brief period." He will pass it along to Fairbanks, and Fairbanks would pay the man the other $80—of course, he is a reputable man in that way—and that would be the end of it. That is a fair sample and furnishes a good opportunity for the suggestion which I respectfully make to the committee.

Mr. GRAHAM. Call the next witness.

Mr. BEAULIEU. I think I ought to be allowed to make just a brief statement in reply to what Mr. Burch has stated, because it appears in the evidence here that we have asked for the very thing that he suggests now. We have held councils and authorized the employment of an attorney, and the tribe are willing to pay an attorney for the very purpose that he mentions here. But the department comes up and says you don't need an attorney. He says we do, just after hearing one witness testify. We know the conditions upon the White Earth Reservation and we know also when we need an attorney. We believe we could handle our business better than the Department of Justice. If we need an appropriation, it should be given to us from our tribal fund. We have asked for $60 a year to pay an attorney to prosecute such cases as this man complains of, but the department has turned us down invariably. I believe we should have an attorney, but we don't think the attorney should come from the Department of Justice; we want an attorney, one that we will select, and one whom we will control, and I believe that this man's testimony will show to some extent why we need an attorney.

In addition to that, we have large claims against the Government in which we could use an attorney to our advantage. I believe we should have an attorney.

Mr. GRAHAM. Mr. Beaulieu, to the Chair it seems that the suggestion which you make and the way you make it touches the basic difficulty, or one of them. You say "we" need an attorney—"we" want to get an attorney—"we" want to do this, that, and the other. The construction of that language necessarily is that a comparatively small number of men who are practically white men, like yourself and others, would thereby constitute themselves guardians of such men as the witness who has just left the stand. I am not quite sure—without in any way attempting to cast even a suspicion on your good faith—I am not quite sure that that would be the best way to do it. And as I said, I think the basic difficulty lies very near the

fact that there is not a classification made which would distinguish the men who are practically white men from men like the witness, who are entirely unsophisticated and more than half Indian. And until such a classification is made, I don't see how any legislation, general in its character, can be made that would be fairly just to the real red man, the real Indian. It seems as plain as can be that any law which would include men like yourself, with only a slight admixture of Indian blood, in the same category as the witness who has just left the stand, would inevitably prove a failure, because the men like yourself will, as you very properly put it, constitute the "we" of it. You are intelligent, you are experienced, and your other advantages would enable a handful of men like yourself to dominate a field full of men like the one who has just left the stand. It seems that there must be some means of distinguishing between these classes. Father Roman said he would draw the line at the half-breeds. I don't know whether he is right or not; his experience is vastly greater than mine and his sincerity is beyond any question whatever; but the line ought to be drawn somewhere and a distinction made.

Mr. BEAULIEU. I say "we," because I am here representing the Indians.

Mr. GRAHAM. But don't you think it is a good deal of a joke to call yourself an Indian?

Mr. BEAULIEU. Well, possibly because I have had the advantages of an education and because I am here defending the Indians I have had this thrown up to me constantly.

Mr. GRAHAM. That is not the reason, not because you are educated but because there is a very slight quantum of Indian blood in your veins.

Mr. BEAULIEU. I have just as much Indian blood as this man who sat here to-day. He has even more white blood than I have.

Mr. GRAHAM. On that proposition I am from "near" Missouri.

Mr. BEAULIEU. I believe that, and I believe that you are "from Missouri" on a good many things that you attribute to me. I am trying to place myself right here, but I have not gone up before anybody and tried to show that I am right; I am only trying to show that I am right through the evidence that I submit to your committee and not in any other way. I don't go up to you and tell you such and such a case, and I don't go to the newspaper men and represent certain things. I am trying to show that I am right by the evidence that I am producing before you.

Mr. GRAHAM. And I want you to understand, Mr. Beaulieu, that in using your name as an illustration I was not at all personal. I mean not only all men like you who are practically white men with advantages of experience and education and exceedingly capable, but I want to make it clear that in my judgment, so far as my judgment is made up at this time, that it borders upon the absurd to include you and an Indian who is a full blood, or even a half blood, in the same category and treat you in the same way, as to legislation.

Mr. BEAULIEU. Well, would you say that it would border on the absurd to include Mr. Carl here with some other Indians, who are educated, upon the reservation, yet some of them are nearly full bloods; would you make any distinction between Mr. Carl and myself?

Mr. GRAHAM. I don't know the quantum of blood that Mr. Carl has. I do know, as you have stated, that he is highly educated and very intelligent and, in a business sense, I presume far above many of those Indians who have been before us and who have been the real sufferers in this transaction: I would include him in your category.

Mr. BEAULIEU. In mine! Well, according to that, if a man is educated he should not look to the Government for any of his rights!

Mr. GRAHAM. I don't think that follows at all. As these lawyers would say, I think that is a non sequitur. I don't think it follows at all.

Mr. BEAULIEU. Now, so far as the classification of the people is concerned upon the reservation, that is what we have been working for for five years at least: yes, even longer than that. If you will pass a bill which will classify the reservation people, classify the White Earth people, that is just exactly what we want.

Mr. BURCH. But upon the blood line.

Mr. GRAHAM. On what basis or line would you suggest the classification should be made?

Mr. BEAULIEU. On the blood line.

Mr. GRAHAM. What quantum of blood? Where would you draw the line?

Mr. BEAULIEU. Draw the line in compliance with the act of 1905.

Mr. GEORGE. What is that?

Mr. BEAULIEU. That is known as the Clapp Act.

Mr. GEORGE. And does that draw the line?

Mr. BEAULIEU. It says "mixed blood."

Mr. GRAHAM. Well, a "mixed blood" may have, as you yourself have stated, I think, during these hearings, one one-hundred-and-twenty-eighth portion of Indian blood in him.

Mr. BEAULIEU. No, I beg pardon: I never stated that.

Mr. GRAHAM. Well, it has been stated during the hearings and without question. Do you deny it now?

Mr. BEAULIEU. No.

Mr. GRAHAM. If a man had one one-hundred-and-twenty-eighth Indian blood in him, would he be a mixed blood, as the law stands now?

Mr. BEAULIEU. There is no doubt about that.

Mr. GRAHAM. You might go further than that and say one two-hundred-and-fifty-sixth. Now, is it not perfectly absurd to classify him in the same category, for the purpose of transacting business, with a man who is a full-blooded Indian, or nearly so?

Mr. BEAULIEU. That was the fault of Congress when it passed the law of 1906. I made that very argument. I said you can not go up there and treat all people alike: you have got to treat them according to whether they are competent or not.

Mr. GEORGE. How would you treat them now? What kind of a division would you make now?

Mr. BEAULIEU. I don't know how I could correct the mistakes of Congress now. If I was going on with this thing now, I would have passed a classification bill that has been submitted to Congress, and which the Indians have urged to have passed. It is right in this book. I would pass that bill and let a commission come up here and take the testimony of competent witnesses, where everyone could

hear what was going on, and not have an ex parte investigation, an investigation of the witnesses who are only on one side, in a closed room.

Mr. GRAHAM. It does not seem to me difficult. I think that suggestion that the line be drawn at half blood, with a provision that those who have more than half Indian blood in them could qualify as competents under proper circumstances, would solve the question fairly well.

Mr. BEAULIEU. Well, now, but there are people, such as this man here [indicating the last witness], who is more than half blood and has as much white blood as I have; yet he is apparently not competent to look after his rights.

Mr. GRAHAM. The way I figure it, he is three-fourths Indian. His grandmother was a white woman. That is all the white blood he has.

Mr. BEAULIEU. His grandmother was a white woman, I know, and I know personally that his father is less than half.

Mr. GRAHAM. Well, I am going on his testimony and not his looks. No one would ever think from looking at him that he had nearly as much of the Caucasian in him as you.

Mr. BEAULIEU. Well, of course, that is just a matter of opinion. There are men here who are whiter than I am that have more Indian blood in them; but the way I would settle that matter, if I had it to do, would be to place every man from 21 to 40 years of age on his own resources; let him have his land; treat him like a man and not like a child. That is the way to settle this matter.

Mr. GRAHAM. Well, you have stated that heretofore. Have you witnesses, whose testimony would be very brief, that you could make use of yet this evening, Mr. Beaulieu? How many witnesses have you waiting?

Mr. BEAULIEU. Well, I have a short witness that I could use, but I want to get through with the timber matter to-morrow.

Mr. GRAHAM. We are going to ask you to take the brief witnesses and use them, and let them get away, to cut down the expense account.

Mr. BEAULIEU. I would like to have Mr. Robert Henry; he has not been subpœnaed here.

Mr. GRAHAM. Mr. Henry, please come forward. Do you see him? No one answers to the call.

Mr. BEAULIEU. Well, I will take Mr. John Leecy, then.

JOHN LEECY, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your name.—A. John Leecy.

Q. Where do you live?—A. White Earth Agency.

Q. How long have you lived there?—A. About 38 years.

Q. How old a man are you?—A. I will be 50 next May, the 12th of May.

Q. Where did you come from to White Earth?—A. We moved there from Brainerd.

Q. You are part Indian. How much?—A. Yes; a little; there is more Indian than white.

Q. What is your present occupation?—A. General storekeeper.

Q. Do you have more than one store?—A. Just one.

Q. And a general stock of merchandise in it?—A. Yes, sir.

Q. Is it a large store?—A. Not very large.

Q. How many clerks?—A. I have two of my sons, just now, and myself.

Q. Three of you to attend the business?—A. Yes, sir.

Q. In what town?—A. White Earth Agency.

Q. How many other stores there?—A. There are about three general stores there besides mine.

Q. In your stock, do you carry clothing, dry goods, boots and shoes, and groceries?—A. I don't carry much heavy goods—that is, comforts or blankets and such as that. But I have a line of shoes, notions, gents' furnishings, such as overalls and shirts, and neckties.

Q. A line of groceries?—A. And a line of groceries.

Q. How long have you been in this store business?—A. Since 1907.

Q. Do you own any real estate on the reservation?—A. Yes; I have some.

Q. How much?—A. I have about 480 acres, I guess.

Q. Are you a defendant in any of these pending suits?—A. No, sir.

Q. From whom did you buy?—A. Well, I bought only one, from one person.

Q. You bought from one individual?—A. Yes.

Q. The 480 acres?—A. I bought only 80 from that. The other was all my own—inherited land; some of my children died.

Q. Allotments and inherited lands, and one 80 which you bought?—A. From my daughter. Yes, sir.

Q. Is it all together?—A. No; it is scattered all over the reservation.

Q. Is it under cultivation?—A. Oh, a little of it is.

Q. Are you engaged in any other business than merchandise?—A. No. I am a notary there.

Q. Interested in banking at all?—A. Well, a little share in the Chippewa State Bank.

Q. Where is it located?—A. White Earth, Minn. I have three shares there.

Q. Is it a State bank?—A. State bank; yes, sir.

Q. Are you an officer?—A. Yes; I am one of the directors.

Mr. DENNIS. The bank is out of business now. It is not being operated.

Mr. GRAHAM. Then you haven't much "directing" to do?

The WITNESS. No; except to pay interest on the stock.

Examined by Mr. BEAULIEU:

Q. Were you present at the allotting of lands?—A. Yes, sir.

Q. I wish you would tell all about these allotments—how they took place.—A. On the Easter Sunday?

Q. Yes.—A. We discovered about noon on Easter Sunday that time that there were some parties lining up in front of the office. So after dinner myself and Mr. Ed Warren and B. L. Fairbanks went up and lined up also; and I stayed there until after my allotment was made, after the line-up. I think they broke the line at one time; there was a little excitement there, anyway; that—the next day

was Monday, and that excitement was in the forenoon, along about noon. I think they had several councils somewhere about there, but I did not leave my post—I stayed there—so I did not attend the council; but it was quite excited; and finally they came to an understanding that the full bloods should line up on this side and the mixed bloods line up on the other side—the mixed bloods on the right side and the full bloods on the left side; so finally they decided to start allotting, and May-zhuc-ge-ge-shig was the first one to step in there, and he took Mr. Lynch's daughter, a little girl who was lined up there, and took her in. He says, "Come on and take our allotments." So they went into the office, and we followed in in that manner.

Q. Did the Indians find fault with the allotment after that?—A. After that; yes, sir.

Q. Did they have an investigation?—A. Yes, sir; McLaughlin made an investigation.

Q. Who is that?—A. He is the one that made the investigation. No; Downs was the first one that investigated.

Q. Was there another investigation?—A. Yes, sir; McLaughlin made the next investigation.

Q. What was the result of that investigation?—A. Why, notice was sent out all over the reservation that there was going to be a council for the purpose of settling the allotment, and he sent out notices—a little short notice—for a certain date, about a week, if I remember right. And they had a council at the stated time, and they kind of voted in a hall; that is, they said if they were for or against it, and talked awhile, argued awhile; he told the people what he was there for at the time, and for those in favor of the allotment standing to go out a certain door and the others out of the other door, and they kept tally as they went; and that is how they voted.

Q. After the allotments were made did you hear about the sale of the allotment timber as proposed by the department?—A. Yes, sir.

Q. I wish you would tell about that.—A. That was the Wisconsin plan, they called it. I heard they were going to advertise to sell the timber in a body to the highest bidder.

Q. And was not that opposed by the reservation people?—A. Yes; that was opposed by all of the people I talked with around there; and I was opposed to it myself.

Q. There was a council about that—in opposition to it—was there not?—A. Yes, sir.

Q. What was the final result?—A. Well, I believe the final result was that they appointed a few men to go down and call on Senator Clapp in regard to the bill that he passed.

Q. What happened after that?—A. Why, the sale was turned down.

Q. Then a bill was passed, was it not?—A. Yes; a bill was passed then, in 1906, allowing the half-breeds to sell their lands.

ANTOINE VAN OSS, sworn, testified as follows (through Mr. John Carl, sworn as interpreter):

Examined by Mr. GRAMAM:

Q. Give your full name, please?—A. Antoine Van Oss.

Q. Where do you live?—A. White Earth.

Q. How long have you lived there?—A. At White Earth, possibly about 43 years.

Q. You are part Indian?—A. Yes.

Q. How much Indian blood?—A. I don't know how much.

Q. Don't you speak English at all?—A. I can speak some, but not enough to be very useful.

Q. Do you understand English?—A. Yes, a little.

Q. On what part of the reservation do you live?—A. Right there in the village of White Earth.

Q. What is your business?—A. A laborer.

Q. What kind of labor?—A. Any work that needs to be done around the house. I am working for a carpenter.

Q. Did you get an allotment?—A. Yes.

Q. Did you get an additional allotment?—A. Yes.

Q. Do you still own them?—A. No.

Q. Are they both sold?—A. Yes; both.

Q. What did you get for the original allotment?—A. $800.

Q. Did you get all of the money?—A. Yes; I got it all in money.

Q. What did you do with the money?—A. I used it.

Q. How long did it take you to use it?—A. Probably about two years.

Q. Have you anything left to show for it?—A. Yes; a little.

Q. What?—A. I have a coat.

Q. The one you have on—the one you are wearing?—A. No; not that one; an overcoat.

Q. What did you do with your additional allotment?—A. I sold that.

Q. What did you get for it?—A. Six hundred.

Q. Did you get all that money?—A. Yes; I got it all.

Q. What did you do with it?—A. I used that, too.

Q. Have you anything to show for it?—A. Yes.

Q. What?—A. A pair of shoes.

Q. How long have you had them?—A. About two years.

Q. Do you own a home?—A. No; I have no home.

Q. Are you a married man?—A. No.

Q. How do you live? Do you board with some family?—A. I board where I work.

Q. How much money do you earn in a year?—A. I don't know. I am getting only $10 a month.

Q. Do you get that all the year around?—A. Yes.

Q. What do you do with that?—A. I buy clothing with it.

Q. Well, you don't spend all of it for clothes, do you?—A. Ten dollars is insufficient for any amount of clothing.

Q. But $10 a month is $120 a year. If you spent all that for clothes you would be a dude. Mr. Carl, can you translate "dude" into the Chippewa language?

Mr. CARL. Yes, sir; I can. I can translate anything.

Q. Did you inherit any land?—A. No.

Examined by Mr. BEAULIEU:

Q. Are you self-supporting?—A. Yes.

Q. Have you ever relied upon the Government for any assistance?—A. In what way?

Q. Well, in any way.—A. I have received something from the Government.

Q. But do you rely upon the Government for a living?—A. No.

Q. Do you know anything about the lumber that "Coffee" Beaulieu and Antoine Charrette have been testifying about?—A. I don't know anything about that.

Q. Do you know anything about the lumber that was used in Lynch's buildings at White Earth?—A. No; I don't know anything about that.

JOHN CARL was here sworn and testified that he had correctly translated from English into Chippewa language such questions as were asked this witness, and that he had correctly translated his answers from the Chippewa language into English.

Adjourned until 9 o'clock Thursday, February 15, 1912.

×

WHITE EARTH RESERVATION

No. 27

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 15, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

THURSDAY, FEBRUARY 15, 1912.

MORNING SESSION.

Appearances as previously.

Mr. GRAHAM. Mr. Beaulieu, I want you to call all the short witnesses you have and let us get rid of them. They have been hanging around for a couple of weeks, and for very little testimony in some instances. I wish you would call every one of these and let us get rid of them.

JOHN W. CARL, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name.—A. Quay-se-good or John W. Carl.

Q. Where do you live?—A. I live on the White Earth Reservation.

Q. Have you lived there your entire life; that is, has it been your home?—A. That has been my home during my entire life.

Q. What part of the reservation do you live on?—A. The township known as Pembina.

Q. Is there any village in that township?—A. There is the village of Mahnomen, the county seat of Mahnomen County.

Q. Have you lived in the city or town of Mahnomen?—A. No, sir.

Q. How far from it?—A. I lived just on the outskirts of it.

Q. In the suburbs, so to speak?—A. Yes.

Q. What is your occupation?—A. I am an agriculturist.

Q. How much land do you farm?—A. Well, I farmed out one farm of 120 acres, and another 55 acres, and another 40 acres.

Q. A very distinguished American defined an agriculturist to be a man who makes money in town and has a farm in the country where he spends the money he makes in town. Does that define your situation accurately?—A. It appears to do so.

Q. Do you farm all this land under your own superintendency?—A. No, sir.

Q. How many teams do you employ?—A. I have two teams of my own, and I had four other teams.

Q. How much of your lands is cultivated, actually?—A. Well, the number of acres that I mentioned, 120 acres in one place, 55 acres in another, and 40 in another.

Q. That is all actually cultivated?—A. That is what is actually cultivated.

Q. Are you part Indian blood?—A. Yes, sir.

Q. How much Indian blood?—A. I am more than half; I mean less than half. I am more white than I am Indian.

Q. How much of this land did you inherit or take as allotments?—A. Just 80 acres of this land I speak of.

Q. Is any of the land that you bought still yours?—A. Yes, sir.

Q. What is it worth an acre, fairly?—A. Well, I sold some of that land for $12.50 an acre.

Q. When?—A. A year ago last March.

Q. Well, in a general way, is that about the fair and usual price paid for land in that vicinity?—A. Yes, sir.

Q. What is the highest price you have known to be paid for agricultural land up there?—A. $35 an acre.

Q. What was there peculiar in it that made it sell that high?—A. It was located near town, and the northern boundary of the land was on the Rice River, and it was almost as level as that table there; it had good drainage and it was considered to be the finest piece of land in Mahnomen County.

Q. In addition to that, its location added to its value?—A. Yes, sir.

Q. Mr. Carl, are you a college graduate?—A. I would have been graduated from the Kansas University had I not left school two months before the end of the term. I left on account of the news that I received that my mother was sick up here in Minnesota, and I had to leave school.

Q. Did you ever attend the University of Minnesota?—A. Yes, sir.

Q. For how long a time?—A. One year.

Q. And this Kansas college that you speak of, what is it?—A. It is the State University of Kansas.

Q. How long did you attend there?—A. Two years.

Mr. GEORGE. At Lawrence?

The WITNESS. At Lawrence.

Q. Did you follow any particular course of studies or did you take a mixed course?—A. I took a professionel course.

Q. What profession?—A. Law.

Q. Are you a licensed lawyer?—A. No, sir; I am not.

Q. Aside from your agricultural interests, are you engaged in any other business enterprise?—A. I have bought some land and sold some land; that is, up to last year.

Q. In buying and selling land, do you act alone or in connnection with other parties?—A. I act alone.

Q. Have you any land off the reservation?—A. Yes, sir.

Q. Where?—A. I have some lands in Florida.

Q. Productive?—A. Not that I know of.

Q. Are you interested in any banking enterprise?—A. No, sir.

Q. Or any other busines enterprise other than agriculture?—A. No, sir.

Mr. GRAHAM. Proceed, Mr. Beaulieu.

Examined By Mr. BEAULIEU:

Q. Will you give the history of your life from your earliest recollection?—A. Yes, sir. I have no recollection of my birth, but I was born in the spring of 1872, out here on the reservation. My band of Indians was the Ottertail Pillagers. Their home was around Battle Lake and Ottertail Lake, but they had their annuities

from the agency at White Earth, and used to go to draw their annuities all the way up from there, and it kept my people moving all the time to get their annuities; that is, they would come up in the fall and during the winter they would move back; they would move just a little distance and camp where they could hunt and fish. In 1875 the Chippewa Indians at White Earth consented to allow the Indians from Ottertail to live with them and share with them in land matters, but not in anything else, as far as I know the history. I was 4 years old when I first attended school.

Q. How did you happen to attend school?—A. Well, when we moved from Rice Lake in the fall—we were making rice there—I heard something that sounded very peculiar to me. I didn't know what it was; a noise made by some living creature, and I proceeded to investigate what it was. The next morning I woke up early and I went toward the place where the sound came from the day before, and during the forenoon I was traveling through the brush and I could hear that noise, that sound, and just about the middle of the day I came to the place, and it happened to be a schoolhouse, and the noise that I heard was the school bell, and one of the young ladies grabbed hold of me and asked me if I was coming to school, and I said "Yes; I am coming to school."

Q. How were you dressed then?—A. I was dressed just like any Indian child dresses in the summer time. That is, they wore no shirt and no trousers, no shoes and no hat, and I presume that I was a very amusing spectacle among the children that were dressed like the white children. Well, I was told to imitate everything that the teacher did. I presumed that would mean what the teacher said, and I understood that I was to do everything that I saw, and when I saw the school children laugh I joined in the laugh, and the more they laughed the harder I laughed, and that was my first day at school.

Q. Did the teacher speak to you in your own language?—A. Well, she did when she told me I had better go out; that I was causing too much commotion.

Mr. GEORGE. When did she invite you to come in?

The WITNESS. She spoke to me in English and I remember that I repeated what she said. She told me that I had better go along out and come in again. This teacher is Mrs. Theodore Beaulieu now.

Q. Did you continue to attend school from that time on?—A. I ran away and they came after me and they talked to me and told me what schooling was, and I remember Mr. Clement Beaulieu, Mr. Gus Beaulieu's brother, was the principal. He took one of these pens while I was crying, put it behind my ear, and took a looking-glass and said to me, "Some day you will look like a white man with a pen over your ear, you will be able to write and you will be able to read the English language," and that thought consoled me a little and I stopped crying, and I went to school and I didn't run away any more for a long while.

Q. You were, in fact, a wigwam Indian?—A. I was born in a wigwam and my home was a wigwam until I was big enough to build a house for my mother.

Q. You attended school continually from that time on until you left and returned to White Earth Reservation?—A. Yes, sir.

Q. Now, after you returned to the White Earth Reservation, what did you do?—A. After my return to the White Earth Reservation I took notice of things around about, especially I took notice of what I was to do to make a living.

Q. You have been a county officer, have you not?—A. Oh, yes, yes.

Q. What office did you hold?—A. I was county auditor.

Q. Which county?—A. Mahnomen County.

Q. Have you been reasonably successful in your life; that is, in providing for yourself and making a living?—A. Well, I think I have. That is, I have no complaints to make for want of anything; but I think if a man is satisfied with the way he is living he is successful.

Q. What do you attribute that to?—A. To my being thrown upon my own responsibility and resources at an early age.

Q. You never drank anything, did you; you don't use intoxicants?—A. Well, I have drunk some liquor in my day, but not to drink it in the way a great many people do; that is, I probably have taken a drink of whisky once in two or three months, or something like that.

Q. You don't drink any now?—A. No, sir. I found out that it didn't do me any good and it was kind of expensive luxury and I made up my mind that it didn't do me any good anyway.

Q. When an Indian drinks he usually goes to extremes?—A. Yes; usually.

Q. In fact, it used to be a custom for an Indian to drink at least twice a year?—A. Yes.

Mr. GRAHAM. Do you mean they take a drink or a drunk twice a year?

Mr. BEAULIEU. A regular drunk twice a year was the custom.

Q. Mr. Carl, do you remember anything in regard to the conditions just prior to the passage of the Clapp Act in 1906?—A. I remember the conditions prior to 1889 and up to the present time.

Q. I wish you would tell it in your own way.—A. Prior to 1889 the Indians on the White Earth Reservation were very prosperous, to my way of thinking. The Indians farmed; they raised a lot of garden stuff; they raised small grain, and whenever they wanted flour they would go to a grist mill that was upon the White Earth Reservation, and they had plenty of beef and were never in want of anything; but when the law of 1889, which was enacted for the relief and civilization of the Chippewa Indians, was presented to them for their ratification or approval, or acceptance, they were told that the Government would feed them, give them stock while farming, and implements and money, and assist them in every way until they were capable of making their own living; and about that same time the men with western horses came into this country, and, as the Indians were anxious for fast going, they offered their cattle for these horses. The trading of the cattle and the promise of the Government that they would take care of these Indians until they were capable of making their own living seemed to put a stop to their industry; that is, they stopped working and simply looked to the Government to fulfill their promises. Of course, the promises were [illegible]ver fulfilled. The allotments were taken under the terms of that [illegible] and the Chippewa Commission was established to make these

allotments, and then, after they took their allotments, there were very few Indians that knew their allotments; they never knew where they were. Some of them didn't even know that they had lands, and they never made any use of it. In 1905 there was a request by a mixed-blood Indian that a bill should be introduced in Congress by Halvon Steenerson, a Representative from the ninth district, to have removed the restrictions placed upon the Indian allottees, or, in other words, let the Indian have his land in fee simple, give him his land and give him everything that the Government might be willing to give, because they were now capable of managing their own affairs.

Mr. GEORGE. That was your opinion at that time?

The WITNESS. That was my opinion. I am the Indian that had written Steenerson asking that this should be done. The bill was introduced in Congress and passed by the House, but was afterwards defeated by the conference committee. The people upon a little edge of the reservation were interested and they took a little more interest in it, and that same year in the summer a drainage commission was held at the city of Crookston and the whole Minnesota delegation was present. A committee was appointed from the village of Mahnomen to wait upon the Congressmen and Senators and present this proposition to them. At that time they were assured that Congress would do what it could the coming season to relieve the Chippewa Indians; that is, to grant their request; and this is what finally led to the Clapp amendment of 1906, which I think was one of the best things that was ever enacted by Congress for the benefit of the Chippewa Indians of Minnesota. I say this on account of what I have known before that there was a vast country lying here in idleness. There were no people to cultivate it, there were no people to improve it, there were no people to get anything out of the earth. But after the passage of this bill the Indians sold their lands; they bought houses and they bought furniture, and they bought some of the things that make their homes comfortable, which they were not able to do before. The white man came here and they started farming; set an example that was needed by the Indian for many years, and they were working and making a living. In 1909 some inspectors came here, Mr. Linnen and Mr. Moorhead. They finally wound up the commission. Mr. Moorhead came here during the winter. I came down here to Detroit in March and I noticed a man talking down around the depot, and he says, "We have spent thousands and thousands here to protect these people, and you white men give them whisky, and take everything away from them." And I said to him, "Who are you and what is your position, where you spend so much money?" And he said, "I am one of the men from Washington to look after the Indians." And I said, "I am an Indian and I am glad to meet you." And he gave me his card, and wrote down his address and told me he was coming back here, and he would bring a very smart man with him to make the investigation, and he said he would like to meet me, and I said I would be glad to assist him in every way I possibly could in his investigation.

Q. Who was he?—A. Mr. Moorhead.

Q. Did he bring back that smart man?—(No answer.)

Mr. GRAHAM. So you were talking to Mr. Moorhead?

The WITNESS. Yes; I was telling Mr. Moorhead I would be glad to assist him in any way I could. Later that year I came to Detroit; there was to be a council at Pine Point, and I wanted to know what would be going on at Pine Point, and I took a team from Detroit and drove over and got over there in the afternoon. I found that the inspectors were holding a council with the Indians in the school building, and I went and looked in the door; didn't see any signs of welcome so I turned back and went and sat on the front porch. The windows were down on the east side of the building; it was a hot summer day, and I pretty soon saw one of the Indian policemen shutting the windows, and I remarked to a young man that was with me, I said, "These people don't want us to hear what is going on," and I said, "I would like to hear what is going on," and he said. "Well, I don't believe you will have a chance to hear anything." When their session was over I went and shook hands with Mr. Moorhead, and I was introduced to Mr. Linnen, and we came out and talked, and I made report to Mr. Linnen as to some minors having sold their land; a young girl had come to me and told me that she had gotten $5 and she had signed a receipt for it, and afterwards looked it up and it was a warranty deed. I reported it to him and he told me I should make a written statement and send it to him. I never did that, because I could see that by the attitude that was taken, I didn't think there was any need of making a report. And Mr. Linnen and Mr. Lufkins and I were standing outside the door there, and I asked Mr. Linnen what procedure he was going to take, and Mr. Linnen said that the conditions were in terrible shape. I told him I didn't doubt it. And he said, "I am going to tie up this country for an indefinite time, and some of the Government officials, who have been Government officials, are going to land in State prison." I had heard who was the Government official who was going to land in the State prison, and I said, "Mr. Linnen, these lands have been sold by the Indians, and are you going to be able to tie up the land." And he said, "It doesn't make any difference, I am going to do it. I am going to do it now." And that was all I cared about that investigation; I never went to it any more, except that I went down to White Earth to find out for my own benefit. A story had got to me that the chairman had made the remark that I was the most disreputable man on the reservation, and I decided to make an investigation. I went down and went into where they were holding their council, and I said, "I am down here to find out what has been said about me," for my own personal knowledge.

Mr. GEORGE. At a council, do you mean?

The WITNESS. They were having a meeting with Mr. Moorhead and Mr. Linnen in the Indian agency building, and I told them what I had heard, and Mr. Moorhead got up and he said: "We have not said anything about you." Well, I told him that I was glad I was misinformed, because I had considered what I had heard said about me as slanderous and I would have had the sheriff there with papers before 24 hours. That is probably the only time I ever attended any of their proceedings or councils—these two times; and the statements made by Mr. Linnen the other day, that I had gone to Beaulieu to their squaw dance and brought liquor there with my crowd was absolutely false, because I never attended any of their Indian dances. I have heard of other councils; I think it was be-

tween White Earth and Pine Point, and they may have—they had gone and camped out in the woods some place and had hearings. I never went to them. The general talk at these councils was that if the Indians would declare themselves full bloods and get proof that they were full-blood Indians their lands would be gotten back for them. That talk got so strong that even my sister, Mrs. Star Bad Boy, in company with her husband, who is an Indian policeman, came to me one day and said: "You are going to be placed on the regular Indian list"—that is, the regular full-blood Indian list, because our mother practiced the "grand medicine" rites; and any person whose ancestors had practiced the "grand medicine" rites would be considered a full-blood Indian. Now, whether they got that information from any of the men working under Mr. Burch I could not say, but it was said that they were promised by the Government men that this should be done.

Now, going back to the Clapp Act, or to the allotment of 1904—that is, to the Steenerson Act—notices were issued by the agent posting typewritten statements in conspicuous places, and, I think, notice was also given in the newspapers—in the Tomahawk—and the Indians had lots of time to go and make their selections. Anyhow, I had heard a great many of them speak of it. In fact, some of the Indian chiefs went out in the woods to look over some land. On Easter Sunday morning I was over to R. G. Beaulieu's house; there were so many people at White Earth that I had no chance to get a room in the hotel. Mr. R. G. Beaulieu and I were pretty good friends, so he invited me to come to his house. About 7.30 I came down to the hotel for breakfast, and as I went by the agency office I saw Margaret Lynch and Florence Beaulieu and Libbie Miller and Mrs. John Lynch and John Lynch and one of the Louzon girls at the entrance of the agency building, outside of the fence. I asked them what they were doing, and they said they were going to take their allotments; and Mr. Lynch was walking up and down acting as kind of a bodyguard; and I said that there were no allotments to be made until 9 o'clock to-morrow. "Well, we are going up here anyhow and get our first chance." I thought they were only doing that to amuse themselves and I went over to the hotel and when I came back a few more people had come in and by 2 o'clock there were perhaps 75 or 100 people lined up and the line was formed in that way until the next day.

Mr. Gus Beaulieu and myself went into his office, and at the request of the Indians, we made the applications in triplicate: one for the Indian agent, one to the Chippewa Commission, because we didn't know whether the Indian agent would have authority to make the allotments under the present law; so we wanted to be sure; one copy to the Indian agent, one to the Commissioner, and the third copy we kept ourselves. In the morning, the line still formed there, and Chief May-zhuc-e-ge-shig, who is a recognized chief of the White Earth Indians, came there, and I came along with him on the sidewalk and he wanted to go and see the agent and the chief of police. Well, Lynch's brother-in-law was there and he pushed him back, and by that time Mr. Gus Beaulieu came along, and I said, "Isn't it a shame that our old chief, one of the men who selected this reservation, should be pushed away from getting over to see the Indian agent"? And Mr. Lynch, in a sarcastic way, turned around

and said to me, "Is he any better than anybody else?" Before I had a chance to reply, Beaulieu said, "He may not be any better than anybody else, but his rights should be considered first before others." And we didn't say any more to him. And we went around and by that time I got over to Mr. Beaulieu's office again, and a chief of the Mille Lac Indians, by the name of Pin-de-ge-ge-shig, came to me and said, "Quay-se-good, I want you to come with me to the agency office: I must see the agent." I said "All right," and we went over to see Agent Michelet, and we saw him, and the chief said, "Suspend the allotments to-day; we have not had time; we are not ready to take our allotments." Maj. Michelet said, "I have advertised that the allotments shall take place to-day and I presume I will make the allotments." He said, "Then we will wire to the President of the United States, asking him to suspend the allotments." By that time Michelet had asked me if there was not a way that he could expedite matters so that the allotments could go on. He said there were so many people had come from a long distance to take these allotments and that they should be made, and he suggested a little council should be held right out in front there; so I went to Mr. Fairbanks, Gus Beaulieu, and a few other mixed bloods, with May-zhuc-e-ge-shig and Pin-de-ge-ge-shig and some other Indians, and we held a little council there, and we came to an understanding that these Indians, the first Indians on the White Earth Reservation, should take each mixed blood of their own mixed blood, those that they recognized as their mixed bloods. What made these Indians angry—they were really angry at that time, and if it had not been for a little ingenuity, you might call it, there would have been blood shed there that morning—there were so many mixed bloods there who had come from Duluth, from Minneapolis, and from St. Paul, from St. Louis, and from Chicago, and from every place, to take their allotments, and they didn't know these people, and they called them the "white Indians." And they decided they would take their allotments if they were given a chance to take the allotments with the other half-breeds, or with what they called their mixed bloods; and they formed two lines; and they were ready to take the allotments. May-zhuc-e-ge-shig was first in the Indian line, and Margaret Lynch was first in the other line. So Michelet said, "Can you people understand what I want you to do? This is what I want you to do." And he took May-zhuc-e-ge-shig and Margaret Lynch's hands, and he says, "This is the way I want you to go in." And the allotting started that way. And I forgot to mention that there was a committee of white men selected by the council, to act as an identifying committee; that is, to identify the Indians as they came in and if there was any Indian that they could not recognize and he could not prove to their satisfaction that he was a member of the reservation, they made a protest against the allotment. I was the chairman of that committee, selected by the Indians. And the Indians came in first, and then the mixed bloods, alternately, until the line was in such shape that they could not come in alternately: that is, those farther back. The allotment was made that way and it seemed that everything was satisfactory, and I don't believe that this commission or Mr. Burch's force could have done any better under the circumstances. I think the allotments were

made as fairly and conscientiously as could have been done under the circumstances.

Mr. GRAHAM. Now, Mr. Carl, when you have finished with this allotment incident we will suspend with you and ask Mr. Beaulieu to call witnesses whose testimony will be brief, and let them get away. So, when you have finished with that, let us know.

The WITNESS. Well, I will finish in just a short while. The allotment was satisfactory until Mr. Charles wanted to take his allotment. Of course, he came in later than the others, and the allotment that he had selected, or the minutes that had been given to him, probably by some one, was already allotted, and he said—I heard him say this: "If I can't take what I select I don't want any allotment at all." I will suspend right there, Mr. Chairman.

Mr. BEAULIEU. I want to call Theodore Beaulieu back to introduce a paper.

THEODORE BEAULIEU recalled.

Witness hands paper to committee.

Examined by Mr. GRAHAM:

Q. Who made this paper?—A. Mr. Lynch.

Q. Some of it is in pen and ink and some of it is in pencil.—A. What is in pencil is Mr. Church's notes.

Q. Who is Mr. Church?—A. He was a special agent, or an inspector.

Q. By the paper I suppose you mean only the portion of this that is in pen and ink?—A. Yes, sir.

Q. Well, what explanation do you wish to make about it?—A. Well, I will read what I state here.

Q. No; just tell us; what explanation?—A. I made the statement yesterday that Lynch had a team there working for the Government at $4 a day.

Q. We remember that.—A. And Jesse Porter was millwright at $3 a day, and that all he did there from June 17 until they shut down was to drive his team.

Q. You told us about that yesterday.—A. Well, that is all.

Q. Well, does this paper corroborate your statement in some way?—A. Yes.

Q. How?—A. The stub checks at the office there and the vouchers show that Jesse Porter was paid this amount.

Q. It is the stubs that we should have, rather than this report, isn't it?—A. That is all I have. You will have to call for the stubs at the agency office at White Earth; also the pay roll.

Q. What is this time sheet for? Whose time is it?—A. That is for the service—Government time.

Q. There is nothing I see to indicate what service it is.—A. Well, not this, but there is on the pay roll. It only indicates the number of days and the salary.

Q. The first page of it is written in in pencil in the blank the word "August," but there is no year given.—A. No.

Q. What year was it?—A. That was in 1895, I think.

Q. Who wrote the word "August" in it?—A. Well, I did that.

Q. When?—A. That was when we turned it over to Mr. Downs.

Q. When was that?—A. That was some time in August; I can not just recall the date.

Q. This particular August?—A. Yes.

Q. You don't remember the year?—A. The year, I think, is on the first page. I think it is 1905.

Q. There is a note in pencil dated June 18, 1906, but it is apart from the pen-and-ink writing.—A. Well, that is the date I gave it to him, I expect. No; that is something else. That is the time they started up the planer and that is where they dismissed a number of the crew. From June 17 it was set down that Jesse Porter drove a team and got pay by a Government check.

Q. The other bill you hand us has writing in ink: "Time for month of April, 1905.—A. That was the time. It was in 1906 when I handed it to Mr. Church.

Q. Well, was this from the sheet for August, 1905, also?—A. Yes: 1905.

Q. In the April sheet the name of Jesse Porter comes. He is credited with $25 and later at $3 per day. In pencil, written by some one else than the person who kept the record, the word "millwright."—A. That was Mr. Church, himself.

Q. The time record was kept by Lynch, was it?—A. Yes.

Q. And the pencil writing was by Mr. Church, was it?—A. Yes.

Q. The statement you make, then, would not apply to the time sheet for April, would it?—A. Not this one.

Q. That is, during April Porter didn't do personal service for Lynch; that record does not show it, does it?—A. No; it doesn't show it in dates.

Q. Well, what use is the record to us?—A. That shows that he was paid by the Government $3 a day.

Q. There was no question about that at any time. You didn't need papers to corroborate that statement.—A. Well, he didn't work for the Government.

Q. Well, there is nothing in that paper which shows that he didn't work for the Government.—A. No.

Q. Then what good is the paper to us?

Mr. BEAULIEU. Mr. Chairman, the paper simply corroborates——

Mr. GRAHAM. Does it corroborate a fact that is not in dispute? What is the use of corroborating a fact not in dispute?

Mr. BEAULIEU. I think it will corroborate the records of the agency office.

Mr. GRAHAM. In what way?

Mr. BEAULIEU. It will show that that man got pay for that time.

Mr. GRAHAM. What need of corroborating the records of the agency office?

Mr. BEAULIEU. You have no record here, have you?

Mr. GRAHAM. Well, then, if we haven't them it won't corroborate them. We can not corroborate something that we have not.

Mr. BEAULIEU. If the committee wants to get at the truth——

Mr. GRAHAM. The committee does want to get at the truth, but it does not want to fill its record with trash or slush and waste time.

Mr. BEAULIEU. I am only following the precedent established by Mr. Burch, who put in a whole lot of what I call trash, and it was accepted.

Mr. GRAHAM. You have had quite as good an opportunity as Mr. Burch or anyone else, and I think it is unfair of you to make those contrasts so often as you have done. You have not been and will not be denied any rights you should have, but that does not mean that you shall waste time and fill the record with useless matter.

Mr. BEAULIEU. I don't regard that as useless.

Mr. GRAHAM. Will you point out to us what use it is?

Mr. BEAULIEU. Let me see the sheet, please.

(Chairman hands paper to Mr. Beaulieu.)

Mr. BEAULIEU. This gives Mr. Lynch's time at 30 days.

Mr. GRAHAM. No question about Lynch's time.

Mr. BEAULIEU. Well, this will give also Jesse Porter's time for a number of days here; it is 19 days, at $3 a day.

Mr. GRAHAM. Which sheet are you looking at?

Mr. BEAULIEU. The August sheet. It gives his time 19 days, at $3 a day.

Mr. GRAHAM. Now, will you point out there where that says what he was doing on these 19 days?

Mr. BEAULIEU. It says here that he was working.

Mr. GRAHAM. What at?

Mr. BEAULIEU. It just simply says here—now, these matters are for the purpose of showing—this was a report submitted to the Indian office at White Earth to show that Porter had worked 19 days, and during those 19 days we have produced evidence that he worked for Lynch instead of the agency.

Mr. GRAHAM. I am not sure about that. Mr. Beaulieu testified yesterday that sometimes when Porter was supposed to be working as a millwright he was, in fact, driving a team for Mrs. Lynch. But he didn't give times; he stated it generally.

Mr. BEAULIEU. Well, we want to show—we have no way of getting at the records.

Mr. GRAHAM. Do you expect us to guess at it?

Mr. BEAULIEU. I believe that you can, through them, get at the proper information.

Mr. GRAHAM. I will make a statement into the record and dispose of it.

Mr. LINNEN. Mr. Chairman, if you will permit me, I would like to say that there is nothing here to show that these are the figures or time kept by Mr. Lynch.

Mr. GRAHAM. Nothing but Mr. Beaulieu's sworn statement that this is Mr. Lynch's writing.

Mr. LINNEN. And I believe it is due to Mr. Lynch to refute that if he so saw fit.

Mr. GRAHAM. Mr. Lynch, like anyone else, will have a fair chance. I understood you to testify, Mr. Beaulieu, that this was Mr. Lynch's writing.

A. Yes, sir.

Q. You are familiar with his handwriting?—A. Yes, sir.

Q. You know it?—A. I know it.

Q. And you know that this record in pen and ink is in his handwriting?—A. It is in his handwriting.

Q. In copy of the April and August sheet?—A. Yes, sir.

Q. I think that covers that.—A. Yes, sir. I was leaving there at the time, and I saw the whole thing.

Mr. GRAHAM. On the page on which the time for 1905 is kept this line occurs: "Name, Jesse Porter; days, 25." Under the heading, which is not plain but looks more like "price" to me than anything else, are the figures $3; and in another column, without a heading, the total, $75. There is nothing else in that column written by Mr. Lynch, but in pencil writing by some one else is the word "millwright," between the per diem and the total for the month. That is all on that page which Mr. Beaulieu says has any bearing on this matter. On the sheet there is written in the blank at the top the word "August," which Mr. Beaulieu; the witness, says was written in by him afterwards, and this line occurs: "Number 3, Jesse Porter." Then occurs check marks under the days of the week, indicating the number of days worked in that month. The first week shows five days, the second week six days, and the third week six days, and one day in the next week; and that is all the entries in the handwriting of Mr. Lynch on that page, but it does not indicate in any way what work he did on those days. Does that cover the point?

Mr. BEAULIEU. Yes.

The WITNESS. Well, there is some more writing back of that in Mr. Lynch's handwriting.

Mr. GRAHAM. Which is it, Mr. Beaulieu?

The WITNESS. I think it is in ink writing—these are Mr. Church's, but everything in pen here is Mr. Lynch's.

Mr. GRAHAM. Mr. Gus Beaulieu, what is there there that will shed any light on this matter? Do you see anything?

Mr. BEAULIEU. As I understand it, this is the same total right here, of the amounts paid.

Mr. GRAHAM. I don't know whether that is true or not.

Mr. BEAULIEU. Well, we are introducing it as evidence.

Mr. GRAHAM. I know, but when you introduce a paper to prove something you must make a connection.

Mr. GEORGE. The committee must understand it.

Mr. GRAHAM. There is on the back of the sheet marked "August" some figuring; certain sums are set down and added up. One column foots up the sum of $257.25, presumably; another column foots up $325.50, then both of those totals are added together and produce a grand total of $582.75, and those figures appear to be in Mr. Lynch's handwriting. Does that cover the case?

On the back of the same sheet, apparently written by Mr. Lynch with pen and ink, the figures "19" are set down, the figure "3" under that, and the product "57" under a line drawn beneath. Right by it are the figures "27," and after the figures "4" and "2" then a line, the implication being that the product is $121.50 [Returning paper to witness.] Did you have any conversation with the special agent regarding that matter with Mr. Church?

A. With Church; yes, sir.

Q. And what did he say?—A. He said those statements were facts. That they showed upon the record of the agency office that the money was paid by the Government; that the stubs showed it and the vouchers showed it.

Q. Where is Mr. Church?—A. I don't know where he is.

Q. It is a rather poor way to prove Mr. Church's statements. It is in and it may stay in, but it is a very weak, distant proof.—A. Well, he was an inspector; that is all I know.

Q. I know, but if he were here what you are saying would be quite competent, but it is hearsay, and we have to trust to your memory.—A. I am trying to tell it—you ask me where he is. I don't know.

Q. He is living, is he?—A. I couldn't say.

Mr. BEAULIEU. It seems to me that the department would be able to get information about Mr. Church. You can not expect to produce Mr. Church here, and I think the department records should be able to corroborate what Mr. Church said.

Mr. GRAHAM. I know, but is that any reason why what he said should be detailed to us through a conversation, until we find out something about whether we can get him or not?

Mr. BEAULIEU. Well, of course, it is up to the committee. I don't know whether they can find him or not.

Mr. GRAHAM. Well, the statement is in the record and it may stay in for what it is worth.

The WITNESS. I made the same statement to Mr. Dalby. I was under oath at that time and I swore to the charges that had been made against Mr. Lynch, and he told me at that time, he said, "Those are all true." I said, "Why don't you report it then," and he said, "Well, I will report it as soon as I know the facts," he says, "These are all true," and a month or so afterwards Mr. Lynch was dismissed.

Mr. GRAHAM. Is there any personal ill feeling between you and Mr. Lynch?

The WITNESS. We don't speak.

Mr. GRAHAM. How long since you spoke to each other?

The WITNESS. Since we discovered about the lumber.

Mr. GRAHAM. Since the time this record was made, with which we have been dealing?

The WITNESS. Not the last winter; some time in 1897.

Mr. GRAHAM. Oh, then, your ill feeling toward one another dates away back of this time?

The WITNESS. Away back.

Mr. GRAHAM. Well, is it—for the last 15 years, then, he and you have been enemies, practically?

The WITNESS. Yes.

Mr. GRAHAM. And he and your brother, Gus Beaulieu, have also?

The WITNESS. I don't know about that. He can speak for himself.

Mr. GRAHAM. Well, don't you know?

The WITNESS. No; I don't know.

Mr. GRAHAM. Very well.

Mr. GEORGE. Was this paper prepared by Mr. Lynch?

The WITNESS. Yes, sir.

Mr. GEORGE. How did it come into your possession?

The WITNESS. After he left the mill I was asked by the agent to take charge of the mill through the Commissioner of Indian Affairs—to take charge of the mill—and he left all the orders there, together with these papers; and in going over the orders, looking up the orders that had been issued for lumber, I had to take up all these orders and find out whether there was any lumber issued, and that is where I got that paper. I turned the orders over to Mr. Church as soon as I met him.

Mr. GEORGE. And then how did it come into your possession? It is a Government paper.

The WITNESS. I turned it over to Mr. Church, and he did not finish the investigation, and he said he left it for the report.

Mr. GRAHAM. Mr. Linnen, can you tell us whether Mr. Church is still in the Government service?

Mr. LINNEN. He is not in the Government service, but he is still living in New Hampshire. I would like to ask this witness a question. Mr. Beaulieu [addressing witness], did you not also report this matter to an inspector named Dalby?

The WITNESS. Yes, sir.

Mr. LINNEN. And did he not make an investigation of this matter?

The WITNESS. Yes, sir.

Mr. LINNEN. Do you know what the substance of his report was?

The WITNESS. I understood that he reported that these were the facts and that Mr. Lynch was discharged.

Mr. LINNEN. I would like, Mr. Chairman, to submit for your investigation the report of Mr. Dalby.

Mr. GRAHAM. Any official report made by Mr. Church or Mr. Dalby or anyone who investigated the matter is competent and really ought to go in with Mr. Beaulieu's testimony.

Mr. BEAULIEU. Did Mr. Dalby inform you that the charges made were true?

The WITNESS. Yes, sir.

Mr. BEAULIEU. Now, was not this money paid out to Lynch and Porter and the others from Chippewa funds?

The WITNESS. Yes, sir.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. That is all, Mr. Beaulieu. You were excused yesterday, and you are here on your own time now.

Mrs. ISABELLA C. LATOURELLE sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Where do you live?—A. Mahnomen.

Q. How long have you lived there?—A. Oh, I don't live at Mahnomen; I live on a farm 6 miles from Mahnomen.

Q. How long have you lived on the reservation?—A. Since 17 years—18.

Q. Is your husband now living?—A. No.

Q. Are you a widow?—A. Yes.

Q. Have you a family?—A. Yes; two children living with me.

Q. Are you farming?—A. He is farming.

Q. Your boys are farming?—A. A little bit.

Q. How old are they?—A. The girl she is 26 and the boy is 28.

Q. Are they both married and living with you?—A. Yes; they are both married.

Q. Did you get an allotment?—A. Yes.

Q. Is there any Indian blood in you?—A. Yes.

Q. How much?—A. My mother was a half breed and my father was a quarter breed.

Examined by Mr. BEAULIEU:

Q. Do you recall riding up from Ogama to Mahnomen with me last fall?—A. Yes, sir.

Q. Did you make a statement there regarding the sale of a tract [illegible], or the proposed sale?—A. Yes; my father's land.

[illegible] ir father was an allottee, was he not?—A. Yes, sir.

Q. Where was the land allotted?—A. Well, it was a mile and a half from the office at White Earth.

Q. I wish you would just tell us what took place, in your own way, in regard to the land.—A. Say where the land is.

Q. No; just tell what took place.

Mr. GRAHAM. I think you had better ask her; she won't know how to carry on a connected story.

Q. Did you offer to sell the land?—A. Yes, sir.

Q. Through whom?—A. Well, I come and see Mr. Long here in Detroit here, if they would help me sell the land, and he said he said he would. He asked me how much I wanted an acre, and I told him $1,200 for the 80 acres, and he said "All right." He said "That is too cheap, we will try to get $1,600 for it if we can." So he called Mr. Newall and told him, and Mr. Newall he would go and see it. He says, "If I like the piece of land, I will buy it." So a week after that he sent me a letter—Mr. Long, I guess, he sent me a letter.

Mr. GRAHAM. Do you mean Judge Long of this city?

The WITNESS. Yes, sir. And he said Mr. Newall wouldn't want to give me more than $800. Well, I said it was awfully cheap; and yet I thought I would rather sell it for that as to lose it for taxes.

Mr. GRAHAM. Well, did you sell it?

The WITNESS. No.

Mr. GRAHAM. You will have to help her, Mr. Beaulieu.

Q. What took place; did you have any further talk with Mr. Long?—A. Yes; oh, yes. Well, I said, "I guess I will let it go for $800." He says, "You had better get rid of it; the land is no good to you anyway." So I went back to Mahnomen and Mr. Thompson told me not to sell it for $800; to try to get more.

Q. Mr. Thompson is a banker up there, is he not?—A. Yes, sir.

Q. Well, when Mr. Long told you to sell it, what did he say about the value of land around there?—A. He said that was a good price, because, he says, "I would not give $10 an acre for the best piece of land on the reservation.

Q. What else did he say?—A. That is all, I guess.

Q. Who was with you at the time?—A. I was alone.

Q. You were alone at that time?—A. That was the first part of May.

Q. Di dyou sell the land?—A. No; not yet. Oh, maybe it is sold; I don't know.

Q. Did you go down to see Mr. Long again?—A. No; I didn't go to see him afterwards.

Q. Did you see him before then?—A. Yes.

Q. Who were you with?—A. The one time I come here before that was not for my father's land; it was for Mrs. Gubbins's land.

Q. And did you have any conversation with Mr. Long?—A. Not me, but my sister.

Q. That is Mrs. Gubbins?—A. Yes.

Q. What did you say; what was the conversation about?

Mr. GRAHAM. Did you hear the conversation?

The WITNESS. Yes; my sister lives in Minneapolis. She got a letter from Mr. Long to come up here, that he wants to see her. She come on the 14th of June, and after the 14th of June we came to

Detroit to see Mr. Long, and Mr. Long pulled out some papers and says, "Do you want to make an application for a fee patent?" She says, "No." And he pulled out the paper, and he says, "Is that your signature?" She says, "Yes." "Why," she says, "I never made any application for that, but this is my signature all right." "Well," she says, "anyway I don't want to send for my fee patent, because the man that bought my land didn't give me enough for my land. He gave me $800, and a few days after that the same land was sold for $2,800." So she says like this: "I am holding the fee patent to get—I won't sign it for them unless I get more for the land."

Mr. GRAHAM. Do you know that it was sold for $2,800 soon after?

The WITNESS. Why, that is what everybody told us.

Mr. GRAHAM. But you don't know except from hearsay?

The WITNESS. No; I don't know, of course.

Q. What was said further, anything more?—A. Then he said, "Why," he says, "We will make you; we will make you sign that fee patent to your buyer." I don't talk very good English.

Mr. GRAHAM. You do very well.

Q. Mr. Long said he would make her sign the fee patent or the application? What did he say he would make her do?—A. Why, when she said she didn't want to sign the fee patent to her buyer, he says, "We will make you, or you will have to."

Mr. BEAULIEU. That is all.

Examined by Mr. BURCH:

Q. Now, Mrs. Latourelle, did your sister acknowledge that she had signed this paper that was presented to her; that is, did she say it was her signature, but that she hadn't signed it?—A. She said, "It is my signature but I never knew to make application for my fee patent."

Q. Who had purchased your sister's pine or her allotment, her additional allotment, for $800—the pine allotment—who had bought it?—A. No; she only had 80 acres.

Q. Well, I know; but who had bought it from her?—A. Mr. Diamond.

Q. Mr. Diamond, of Minneapolis?—A. Yes.

Q. Mr. Diamond had bought her land for $800 and she had heard that it was sold for $2,800?—A. Yes.

Q. And you say that you told Long that she didn't want to get her fee patent; that she was holding that back to compel them to give her more—to do better by her?—A. Yes; she would sign it when they gave her more, because she sold it too cheap.

Q. She would sign it when they gave her more, because she had sold it too cheap?—A. Yes.

Q. Now, you say Mr. Long told her she would have to sign it?—A. "We will make you sign it." I don't know——

Q. Well, it is quite important to Mr. Long that you should tell it the way it is.—A. That is the truth.

Q. Just keep cool and quiet; tell what occurred in the conversation; nobody will disturb you: don't be disturbed; just tell us what language.—A. Well, he said like this: "We will make you"—no; no—"we will make you, and you will have to sign it."

Q. "You will have to sign it"?—A. Yes; "you will have to sign it."

Q. Well, what else?—A. That is all.

Q. Did he say, "For the good of your buyer," or "for the sake of your buyer"?—A. It looks like that; and she was talking, you know.

Q. No; but I want to know what Mr. Long said.—A. Well, he said, "You will have to sign that," or "We will have to make her sign that for the buyer."

Q. Did he say, "For the good of the buyer"? I understood you to say the first time that he said, "For the good of the buyer." Did he say that—"You will have to make good to your buyer"?—A. Why, it seems that way.

Q. Now, did he—not what it seems—did he say it? Just simply tell us what he said.—A. Why, he say it just like the way I say it.

Q. Say "You have to sign it"?—A. "She will have to sign it."

Mr. GRAHAM. I think we can construe it as well as she. All you would get would be her judgment as to what he meant.

Q. Now, I will go back to your own land. Mrs. Latourelle, you got a letter from Mr. Long. The first you heard from Mr. Long in regard to your land, you got a letter from him to come down?—A. Yes, sir.

Q. You lived where?—A. I lived in Mahnomen.

Q. Did you keep the letter that you got?—A. He sent me that. He said he found a buyer—Mr. Newall—and he was going to get me only $800.

Q. No, no, no; I want to get back to the first you heard of Mr. Long. I don't want to know about anybody else. What did you first hear from Mr. Long? Did you get a letter?—A. Yes; I got a letter from him.

Q. Have you got that letter?—A. I must have the letter, because I save all my letters.

Q. Did you take it with you?—A. No, sir.

Q. Well, could you get it?—A. I could get it, I suppose, if I go back home.

Q. You couldn't send home for it to anybody else?—A. No.

Mr. GRAHAM. Can't she send it here when she gets home?

The WITNESS. I could send all these letters.

Q. Well, if you can send the letter when you get back home, that will do just as well. Now, as near as you can, tell me what he said in that letter to you.—A. That is all he said.

Q. That he had found a buyer?—A. Yes.

Q. For your land?—A. Yes.

Q. Did he say for how much?—A. $800.

Q. Well, you wanted more than $800?—A. I wanted $1,200.

Q. But did you go down to see him?—A. Yes; I come down to see him.

Q. Did you see Mr. Long?—A. Yes; I saw him.

Q. This gentleman here who just came in [indicating Mr. Long]?—A. Yes, sir.

Q. Now, what did Mr. Long say to you when you came in?—A. He told me he would do all he could to help me sell the land and I told him I guess I would let it go for $800 because it would be too much expense in the land for us; we wouldn't get anything after all the expense is paid. He says, "If I were you I would sell the land for that $800."

Q. Now I will go back: Was some one else mentioned in the conversation when you came to the office; whose name was mentioned as buyer for the land?—A. Mr. Newall.

Q. Who was this Mr. Newall, a real estate agent?—A. I don't know who he was; he told me——

Q. Was he there; did he come in?—A. Yes; the first time he come in, but when I went the second time——

Q. Oh, you went twice?—A. Yes.

Q. Well, now leave the second time out now and tell us about the first time. Now, the first time you were there, did anybody come in?—A. No.

Q. What did Mr. Long say to you? Now remember it just as well and as carefully as you can.—A. Well, now that is what I tell you a little while ago; that is just that way.

Q. Well, did he tell you who wanted to buy the land the first time? Did Mr. Long tell you who wanted to buy the land?—A. He told me he found a buyer for it and he went into the next room and he got Mr. Newall.

Q. And he brought him in?—A. Yes.

Q. And this is the first time?—A. Yes; this is the first time. I tried to sell the land with Mr. Long; I wanted him to help me to sell the land.

Q. Well, did you go to Mr. Long and ask him in the first place, before he wrote you the letter, to find somebody to buy your land; did you ever ask him to help you find somebody to buy the land?—A. Yes; I did.

Q. Oh, yes; was it before you got the letter?—A. Yes; and after I asked him to send me a letter.

Q. Oh, yes. Now, then—he asked—now don't get excited, keep perfectly cool, you won't get hurt.—A. I see him many times.

Mr. GRAHAM. I don't think the lady is afraid. I don't think you need to waste time assuring her that she will not be hurt. She doesn't look to me like a woman who would be afraid.

Q. Now, you first went to Mr. Long to get him to help you sell the land; is that the idea?—A. Isn't that what I have been saying to you all the time?

Q. No; all I want to know—I don't quite understand you, and I want to clear it up. Did you first go to Mr. Long and ask him to help you sell the land?—A. Yes; I did.

Q. Then you got a letter after that?—A. Yes.

Q. Did he think he had found a purchaser?—A. No; he told me that; then he sent me a letter that Mr. Newall wanted to see the land; and he won't give more than $800.

Mr. BURCH. Gentlemen of the committee, I confess my inability to get a connected story.

Mr. GRAHAM. I think I understand her.

Mr. BURCH. Well, I don't, I am sorry to say. If the committee will allow me, I will retire from the matter and allow Mr. Long to ask her questions, unless you think it is proper otherwise. I am not able to get an understanding from her; I can't do it. I can not understand whether she claims she first requested Mr. Long to act for her to find a purchaser, and then he wrote to her, or how is it.

Mr. GRAHAM. Well, she came in and talked with him and asked him to find a buyer, and he said he would try to do it. Later he

wrote her that he thought he had a buyer for $800. She came to see him. She thought $800 was not enough, but that she ought to have $1,200; but she talked with him to the effect that the taxes were eating it up and that perhaps she had better take $800 for it, and he thought so, too.

Q. Now, is that the way he did: the way he tells it?—A. Yes, sir.

Q. Well, then, I am content with that. That is all.

Examined by Mr. GEORGE:

Q. When you first came here, did you see Mr. Newall?—A. When I first came alone?

Q. When you first came to sell your land?—A. Yes; I saw Mr. Long. Then he went after Mr. Newall in his room, the next office; that was the first time I came to try to get him to help me sell the land.

Q. That was the first time you came to town here; and you saw first Mr. Long, and Mr. Long went after Mr. Newall?—A. Yes.

Q. And you told Mr. Newall that you wanted to sell your land for $1,200?—A. I told Mr. Long, and he wanted to know how much I wanted for the land, and I said $1,200.

Q. Yes; but he told you——A. He told me it was pretty cheap; he thought we should try to sell it for $1,600.

Q. Who told you that?—A. Mr. Long.

Q. Yes; and was Mr. Newall there; did Mr. Newall hear that?—A. No; Mr. Newall—he went after Mr. Newall after he said that.

Q. Yes?—A. No; Mr. Newall was there at the time he said that.

Q. Yes; and then you got a letter from Mr. Long after that?—A. Yes. Mr. Newall says he will go and see the land; he says he was going to be at Mahnomen Hotel two or three days after that, but I didn't hear for a week after that.

Q. Yes; and then you got a letter from Mr. Long?—A. Yes; and Mr. Long said the land wasn't worth more than $800. He said Mr. Newall wouldn't give more than $800.

Q. And he advised you to sell the land for $800?—A. He said that if he was me he would sell it for $800.

Examined by Mr. BURCH:

Q. Now, Mrs. Latourelle, between the time you were first there and the time he wrote you that letter, he found out that that land had already been sold for taxes? This land had been sold for taxes, had it not; and he found it out?—A. No.

Mr. GRAHAM. Was your land sold for taxes?

The WITNESS. Yes, sir; but that is what they told me—it was sold by the city for taxes.

Q. But it was not your own allotment, was it? It was some relative's allotment?—A. Yes; it was my father's.

Q. Now, when Mr. Long first talked with you that it would be worth $1,200 or $1,600, did he know at that time that it had been sold for taxes?—A. Well, I don't know if he knew it.

Q. Now, what I want to get at is this——A. I found that out when I came to pay the taxes myself here in town.

Mr. GEORGE. When was that?

The WITNESS. This last year.

Mr. GEORGE. Was that after you talked with Mr. Long the first time?

The WITNESS. No.

Mr. LONG. If the committee will allow me, I would like to suggest that you ask her a question or two right here.

Mr. GRAHAM. What are the questions you want asked?

Mr. LONG. About the sale for taxes. When she first came to me the situation was that she was going to lose the land; that it had been sold for taxes; she couldn't redeem it; she had no money to pay back taxes and interest.

The WITNESS. Yes; but I could borrow money at the bank. I wasn't afraid to lose the land; I could borrow money at the bank.

Mr. GRAHAM. Did you say that at the time?

The WITNESS. No.

Mr. GRAHAM. Well, if you had credit at the bank and could borrow money, why did you let the land be sold for taxes? Why didn't you borrow money in time to pay?

The WITNESS. Why, I wanted to do that; then I thought—they told me I couldn't lost it.

Mr. GRAHAM. Who told you you couldn't lose it?

The WITNESS. Why, I forgot who told me I couldn't lose it. I think it was Mr. Thompson.

Mr. GRAHAM. Was there more than one year's unpaid taxes?

The WITNESS. I guess it was three years.

Mr. GRAHAM. Had it been sold more than once?

The WITNESS. Why, after that I paid only the taxes of 1910.

Mr. GRAHAM. Mr. Dennis, do you know what is the penalty on unpaid taxes in this State?

Mr. DENNIS. One per cent a month, or 12 per cent a year, after the sale.

Mr. GRAHAM. And when may title pass?

Mr. DENNIS. Not until three years after the sale. The purchaser in a tax sale has to give notice of the expiration of redemption, and that is served personally and deposited with the county auditor; and then 90 days have to elapse after the notice of expiration in which the owner of the land can come in and yet redeem.

Mr. GRAHAM. That is for my personal information.

Mr. LONG. I would like to have her asked whether I suggested to get somebody to redeem the land and pay the back taxes and interest on it.

Mr. GRAHAM. Do you recall Judge Long saying then that you should get somebody to pay the back taxes?

The WITNESS. No: because I could pay it myself.

Mr. GRAHAM. But did he suggest that?

The WITNESS. No.

Mr. BEAULIEU. I want to ask Mrs. Latourelle: Do you know what the value of the land is around the vicinity of your father's land—the land that you are speaking of now. Do you know the value of the land you are speaking of now?

The WITNESS. Yes; I know the value.

Mr. BEAULIEU. Do you know what land is selling for right in that neighborhood?

The WITNESS. Why, I don't know very much, because I hate even to sell it for $1,200, because I know it is too cheap.

Mr. GRAHAM. Would her judgment about the selling price of land be worth very much?

Mr. BEAULIEU. No; but I want to ask another question. Were you offered more that $800 at any time for that land?

The WITNESS. Why, Mr. Julius Brown, he says he has a party—he is going to give me $1,400, and I told him that was too cheap. I don't want to sell it for that.

Mr. BEAULIEU. You have a brother, haven't you?

The WITNESS. Yes; I have two brothers.

Mr. BEAULIEU. Well, they own it with you; that is, they have an interest in the land with you?

The WITNESS. Yes, sir.

Mr. BEAULIEU. Did either of your brothers ever tell you that he had been offered a certain price for the land?

The WITNESS. No; I never heard.

Mr. BEAULIEU. Mr. Long had advised you to sell the land for $1,600?

The WITNESS. Yes.

Mr. BEAULIEU. And then, after he had seen Mr. Newall, he advised you to sell it for $800?

The WITNESS. Yes, sir.

Mr. BEAULIEU. That is all.

Mr. BURCH. Mrs. Latourelle, I will ask you——

Mr. GRAHAM. Well, Judge, make it as short as you can. It doesn't seem to me that we are getting very much from this witness in proportion to the time it is taking.

Mr. BURCH. I beg your pardon, but I have matters of importance to find out.

Mr. GRAHAM. Well, go on.

Examined by Mr. BURCH:

Q. Mrs. Latourelle, when were you put on the roll of the Indians at White Earth? You are a French woman, are you not?—A. I was put on the roll in 1862.

Q. In 1862?—A. No; 1872.

Q. You are sure it was not 1882?—A. No; it was 1872.

Q. 1872; all right.—A. I was put on the roll twice. The first time I was put on the roll in 1872.

Q. And the second time?—A. The second time I don't remember. It was father put us on the roll.

Q. Where did you live?—A. I lived at St. Paul. I was born and raised in St. Paul.

Q. Now, do you know that it is claimed that you haven't a particle of Indian blood in you? Is that true that you have no Indian blood—is that true?—A. Of course, I have got Indian blood. My mother was a half-breed, and her mother was a squaw, and her father was a quarter, and it made her half-breed, and my father was a quarter-breed.

Mr. BEAULIEU. Is this for the purpose of intimidating this witness?

Mr. BURCH. It is for the purpose of showing that you got her put on, and that she hasn't a particle of Indian blood in her.

The WITNESS. Who said that? I know who said that.

Mr. BURCH. Who got you put on that Indian roll—Gus Beaulieu?—A. No.

Q. Who?—A. Why, that was father; was here on the reservation here, and we was in St. Paul; father put us on the roll.

Q. Well, did Gus Beaulieu put you on the roll?—A. No; if he did I don't know anything about it.

Q. All right; if you don't know about it, that is all. Do you speak the Chippewa language?—A. No, sir.

Q. All right.

By Mr. DENNIS:

Q. Mrs. Latourelle, did you sell this land?

The WITNESS. No; I didn't sell it at all. Mr. Converse sold it for us.

Q. It was inherited land, was it? It was not your own allotment?—A. No.

Q. And Mr. Converse sold it for $900?—A. Yes; he sold it; yes—I don't know; he didn't tell me how much he sold it; I hear it from the judge, I guess.

Q. And Mr. Converse was to get $100 commision and you were to get $800?—A. I don't know anything about it.

Mr. BEAULIEU. That was sold through the probate court, wasn't it?

Mr. DENNIS. Yes; a week ago.

GEORGE CAMPBELL, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your full name?—A. George Campbell.

Q. Where do you live?—A. White Earth.

Q. How long have you lived at White Eearth?—A. Four years.

Q. What is your business?—A. I have worked for the Government in different capacities.

Q. At present in what capacity?—A. I am not doing anything at present.

Q. What was the last work you did?—A. The last work I did was interpreting for the United States court at Fergus Falls.

Q. Were you a professional interpreter for the Government?—A. Well, I don't know; I have always interpreted for the last 20 years.

Q. Were you paid by the month or the year, as an interpreter?—A. Just for the time being.

Q. For the work you actually did?—A. Yes, sir.

Q. What other employment had you?—A. Previous to going down to Fergus Falls?

Q. Yes. Or between times, when you were not interpreting?—A. I did a great deal of cruising.

Q. Are you an expert cruiser?—A. No, sir.

Q. What do you mean by doing a good deal of cruising?—A. Examining lands.

Q. Does the term "cruising" apply to any but timberlands?—A. Oh, yes.

Q. What does it mean as applied to agricultural lands?—A. Well, you cruise out land; that is, run it out, stake it out.

Q. Survey it?—A. No; we trace lands.

Q. And what other occupation have you followed?—A. Well, I forwarded for the Government allotting agent at one time—the Chippewa Commission.

Q. You were a member of that commission, were you?—A. Yes, sir.

Q. When was that, Mr. Campbell?—A. I don't know. When the commission was in operation there at White Earth.

Q. You don't remember?—A. No, sir. It was in operation ever since 1889, and I have worked seven or eight years for the commission.

Q. Are you part Indian?—A. Well, I am called so.

Q. How much?—A. Well, part Indian.

Q. How much Indian blood have you?—A. My mother was an Indian woman.

Q. Of course you are an allottee?—A. Yes, sir.

Q. Original and additional allotment?—A. Yes, sir.

Q. You still retain them?—A. Yes, sir.

Q. Have you any land upon the reservation now?—A. Yes, sir.

Q. What is it; inherited or purchased?—A. Inherited land.

Q. How much have you?—A. Eighty acres.

Examined by Mr. BEAULIEU:

Q. Mr. Campbell, were you not a delegate for the Chippewas at Washington a year ago last winter?—A. I was there; yes, sir.

Q. Do you recall the work that you went down to look after?—A. I think the nature of the work was to get a commission appointed.

Q. To classify the people on the reservation?—A. I think that was the nature of it.

Q. To try to get a bill through to get the Indians on White Earth classified?—A. I think that was it; yes.

Q. Whether they were mixed bloods or full bloods?—A. Yes, sir.

Q. Do you recall meeting Mr. Burch in his office at Washington?—A. I don't know; I can not say as to that. I know we were at Mr. Burch's office and we talked to a man there, but I don't know whether it was Mr. Burch. I know I met Mr. Nabel.

Q. Who were with you when went there?—A. Yourself and Mr. Henderson.

Q. Anyone else?—A. No, sir.

Q. Did you discuss that bill with the person that you saw there?—A. Well, we both talked about it.

Q. Well, what was the understanding there?

Mr. BURCH. I don't think that is right—give the conversation. If I am to face three men, I want the language.

Q. Do you recall the conversation that was held there?—A. Well, I think we put up the proposition to these men that we met, in regard to this bill I was just speaking about, and they thought it was a very good proposition and accepted it.

Mr. BURCH. I think that is wrong. If he will tell what I said if it was me, or Mr. Nabel if it was he, I think that is the proper thing.

Mr. GRAHAM. Well, you can get after that later. Go on.

Q. What was the conversation about there?—A. That is why we went in to see whoever this gentleman was, Nabel, I think was his name. He says, "You are just the men I want to see from the reservation." Nabel said that. He said, "We would like to get all this stuff together and we want such men as you to come in here and see us"; he says, "So we can adjust these matters."

Q. Was this upstairs or downstairs now?—A. Well, it was off on the steps; 5 or 6 feet from the sidewalk. We went up the steps and went into a room.

Q. Then, do you recall going up one flight of stairs and meeting a man in an office there?—A. I don't recall that.

Q. You don't recall going upstairs and meeting a man and having a talk with him about this bill?—A. No.

Q. You were down there to push through this bill, were you not?—A. I don't know as to push it through.

Q. To assist in pushing it?—A. To assist.

Q. And you left while the bill was under discussion, did you not?—A. Yes, sir.

Q. Was there any understanding, or was there any conversation at the time regarding the bill, that it should be reported favorably, do you know?—A. At that time I think that was the talk.

Q. What took place there, if you can recall?—A. When I met Mr. Nabel? There was nothing only just what I spoke about. He said he was in favor of it. He said it was a very nice thing.

Q. Who was this Nabel?—A. I think Mr. Henderson introduced him as the Assistant Attorney General.

Mr. GRAHAM. What Henderson is that? Daniel B. Henderson, of Washington, a lawyer?

The WITNESS. Yes, sir.

Q. Can you recall the provisions of that bill?—A. Well, it was to appoint three men, but I can not recall the whole of it.

Q. To appoint three men for what purpose?—A. To classify the Indians on White Earth Reservation.

Q. And who were those men to be?—A. I don't know. I can not recall.

Q. Was one man to be the Chippewa commissioner?—A. Oh, yes.

Q. And how were the others to be selected?—A. I think one from the Interior Department.

Q. And the other?—A. I think one was to be a member of the reservation.

Q. Was there not some objection by this man you speak of?—A. He didn't make any objection at that time. He spoke very favorably.

Mr. GEORGE. You mean Mr. Nabel?

The WITNESS. Yes. The man I was talking to.

Q. Do you say positively it was Mr. Nabel, or was that a suggestion made to you.—A. No; I met this man Nabel.

Q. Didn't the person that you talked to object to the bill because the Chippewa commissioner, as you stated, and the person who would be selected by the Indians would stand together as against the department?—A. I don't think he said that; not in my hearing.

Q. Not in your presence?—A. Not while I was there.

Q. Wasn't it understood, or was it not agreed, that the Chippewas would not be allowed, by the terms of the bill, to be represented in the commission, and in lieu of that a Department of Justice man would be placed on it?—A. Well, he made some suggestion in regard to the matter in that way.

Q. And didn't Mr. Henderson amend the bill in that manner?—A. I think he did; yes.

Q. And did you not then, immediately following that, leave Washington?—A. Yes, sir: after the bill was amended. After Henderson framed that bill; I left immediately after that.

Q. You left there because you believed the bill, as Henderson had amended it—at the suggestion of this person—that it would be favorably reported?—A. Yes.

Q. That it would become a law by Congress?—A. That is what I thought.

Q. And that was your reason for leaving immediately?—A. Yes, sir.

Q. Was it not understood that I was also to leave in a day or so?—A. Yes; you were going South.

Mr. BEAULIEU. That is all.

Mr. BURCH. No questions, Mr. Campbell.

Mr. GRAHAM. That is all, Mr. Campbell. You are excused.

CLARENCE R. BEAULIEU, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your name to the reporter.—A. Clarence R. Beaulieu.

Q. Where do you live, Mr. Beaulieu?—A. At White Earth.

Q. You have lived there all your life?—A. Yes, sir.

Q. What relation are you to Mr. Gus H. Beaulieu?—A. He is my uncle.

Q. What is your father's name?—A. Theodore H. Beaulieu.

Q. What is your present occupation?—A. At present I am not doing anything.

Q. How long since you have done anything?—A. I worked for Mr. Gus Beaulieu as an accountant prior to his case at Fergus Falls.

Q. An accountant in what respect, in reference to his newspaper business?—A. In reference to the records here at the courthouse.

Q. Well have you a regular occupation?—A. Within the last year I have not been employed regularly.

Q. Well, before that?—A. Before that, in 1907, I worked in the Government service.

Q. In what capacity; in the Indian Department Government service?—A. As teacher and as clerk.

Q. Teacher in the day school out there at the agency?—A. Yes; teacher at the Pine Point School and as clerk in Oklahoma.

Q. Have you done any work, or have you had any business apart from your Government employment and the other work that you told us of?—A. No, sir.

Q. What education have you?—A. In 1907 I attended Hamline University, in St. Paul, three years. Prior to 1900 I took a preliminary education at the White Earth Catholic School.

Q. You are an allottee, of course?—A. Yes, sir.

Q. You still retain your allotments?—A. No, sir.

Q. Have you parted with all of your land on the reservation?—A. Yes, sir.

Q. Do you own any property now?—A. Not at White Earth.

Q. Somewhere else?—A. Yes.

Q. Where?—A. Oregon.

Q. Real estate?—A. Yes.

Q. How much, Mr. Beaulieu?—A. Why, I am interested in some timber land there.

Q. Have you to-day as much property as your allotments would have made if you still had them?—A. I don't think so.

Q. In handling the property that you got through the Government, you have handled it so that you lost rather than gained?—A. Why, I attended the University at St. Paul three years and that took considerable money, and I didn't get any prize claims either.

Q. Well, do you feel that you have preserved the value of your allotments in other property except the amount you spent for your education?—A. Why; yes.

Q. Is your Oregon property productive? Does it yield you any profit?—A. Why, it is timber land, and it is supposed to yield as years go by. It is in a good location.

Q. How much have you of it?—A. Why, at the time I bought the land, I paid 35 cents a thousand feet and I have invested $700 in it.

Q. How do you estimate land at 35 cents a thousand feet? This is timber land?—A. They don't estimate it any other way.

Q. How do you know how much area you are getting when you buy that way?—A. Per thousand feet?

Mr. GEORGE. Do you mean a thousand feet of standing timber?

The WITNESS. Yes.

Q. How do you know how much land, how much area you are buying that way?—A. They don't buy timber by the acre out there.

Q. Then you don't own the land?—A. I own the timber and land, too.

Q. I don't understand. How much land have you?—A. Approximately 500 acres altogether that is owned by us, myself and father and brother.

Q. Those interested with you?—A. Yes.

Examined by Mr. BEAULIEU:

Q. You are a temperate man, are you not?—A. Yes.

Q. Your habits in regard to drinking and use of tobacco and all that are very temperate? In fact, you don't use liquor, do you?—A. No, sir.

Q. You are competent to hold a position in the Government service and have you ever been in the classified service?—A. Yes, sir.

Q. Are you now holding a position which was created by a council, for which you receive no pay?—A. Yes, sir.

Q. What is that position?—A. A member of the board of education.

Q. How many members are there on that board?—A. There were three members appointed.

Q. Are any of them receiving pay?—A. Not that I know of.

Q. What are supposed to be the duties of that board?—A. Why, to look after the schools generally, and see that they are conducted in an efficient manner.

Q. Anything else?—A. Why, I think I have included everything in that answer.

Q. Who are the other members of the board?—A. Mr. Eugene Warren and Mr. R. J. Libby.

Q. Are they graduates from any school?—A. Why, I heard that Warren graduated at Carlisle, and Mr. Libby also.

Q. Now, do you know of any reason why such a board should be established on the White Earth Reservation?—A. Why, I sincerely believe that all positions can or should be held by Indians on the reservation.

Mr. GRAHAM. By Indians you would include all persons having any Indian blood?

The WITNESS. Yes; I don't make any distinction between a mixed blood and a full blood.

Q. But, then, is there any reason why a board should be established? Do you know of any?—A. Yes.

Q. I wish you would give your reason.—A. I think such a board would be more economical.

Q. In what way?—A. Why, this board was created a year ago; this authority extended throughout the State of Minnesota.

Q. This authority as a board? What was it to do?—A. To look after the schools—education.

Q. Was it not to investigate the condition of the schools?—A. Certainly.

Q. Well, was it to find out whether or not the teachers were doing their work properly?—A. Sure.

Q. Was it not to find out also whether there were more teachers than were absolutely necessary in these schools?—A. Certainly.

Q. Was it not to see that the schools were properly kept up in every manner?—A. Yes, sir.

Q. Was it not also for the purpose of trying to secure the employment of competent Indians who were capable of doing the work?—A. Yes.

Q. Wherever the tribal funds were used to pay the salaries?—A. Yes.

Q. Do you know anything about the sales of allotments on the White Earth Reservation?—A. No; I was down in Oklahoma—oh, sales of allotments?

Q. Sales?—A. Why, no; I couldn't say that I do know about the sales of allotments, except from hearsay.

Q. Did you sell your allotment?—A. Yes.

Q. Was it beneficial to you or not?—A. I think it was beneficial to me.

Q. Was the sale of the allotments on White Earth Reservation beneficial generally to the young men who wanted to make proper use of their money?—A. Yes, sir.

Q. Are there not a great many Indians who made proper use of their money?—A. Yes, sir.

Q. Is there not a doctor in Minneapolis?—A. Yes; he is a dentist.

Q. What is his name?—A. Oscar Davis.

Q. Has he not made a good doctor?—A. Yes; so I am informed.

Q. And he got his education from the funds he received from the sale of his allotment, did he not?—A. Yes.

Q. You know that?—A. Yes.

Q. And didn't quite a number of other young men attend schools at different places, especially at commercial colleges, on the funds they received from the sale of their allotments?—A. Yes, sir; and young girls also, I think.

Q. Now, didn't that result in a desire on the part of the Indians to give the young people a chance for higher education?—A. Well, some of them took advantage of the opportunity.

Q. Didn't the Indians pass a resolution in council to give young boys an opportunity to obtain a higher education and to pay for their tuition while they were getting it?—A. Do you mean in that particular council which elected the school board?

Q. Yes.—A. Yes; something was said about that.

Q. And was not the result of this effort on the part of the young men who sold their lands to get an education?—A. Well, now, I wouldn't know whether that would be the result of their efforts in obtaining an education in that particular instance; I couldn't say.

Q. What was your object in attending the university?—A. I took two years of the academic course at Hamline University.

Q. Wasn't that with the object of becoming a physician?—A. That was my first intention.

Q. And why did you abandon that idea?—A. Why, I didn't have sufficient funds to complete the course, and saw that I would not have, and also I though that the course would take too long a time, considering my age.

Q. Weren't a number of other young men placed in similar circumstances as yours?—A. I think so.

Mr. BEAULIEU. That is all.

Mr. BURCH. No questions.

Examined by Mr. LINNEN:

Q. Mr. Beaulieu, are you now in the classified civil service?—A. Why, no. I understand if you are not in the service a year that you are out of the classified service.

Mr. GRAHAM. That is, if you go out of the service for a year or more you are dropped from the classified list?

The WITNESS. Yes; you are dropped from the classified list.

Q. Why did you leave the Government service?—A. I resigned for the express purpose of attending school, which I did the next fall.

Q. Who appointed this board of education of three members, of which you are a member?—A. The appointment was made at the council held a year ago at White Earth.

Q. Was that a general council?—A. Why, it was as general as any council could be, I expect. It was held in the spring; notices were sent out, and there were probably 50 members present.

Q. Was it a council called by the Indian agent?—A. No; it was not a council called by the Indian agent.

Q. What has your school board accomplished? How many schools have they visited and to whom do they report?—A. Why, they have not done much work. It is for inquiring into the school matters.

Q. Do they visit any of the schools and schoolrooms and investigate conditions?—A. Why, I have not. I have been to the White Earth school occasionally.

Q. How many times?—A. Why, I have probably been there on an average of once a week.

Q. Did you visit the schoolrooms during school sessions?—A. No; [illegible]ver visited them while they were in session.

Q. Now, you state that young men allottees sold their lands for the purpose of getting a higher education; doesn't the Government provide for the education of Indian pupils?—A. In a way it does; yes.

Q. Does it not provide good schools, such as Haskell, Carlisle, Flandreau, and numerous others where higher education may be obtained?—A. Well, I have been informed that it is not the policy of the Government as the guardian of the Indian to give the Indian a higher education.

Q. Do you not know that all Indian pupils who are far enough advanced are sought by the Government to attend these schools where higher education can be secured?—A. I think so.

Mr. GRAHAM. Perhaps you gentlemen may not agree as to what higher education means. One may have in his mind purely intellectual training and the other may have in his mind intellectual training mingled with an industrial education.

Q. Well, I will add where both intellectual and industrial training may be secured, and has it in this sense I have named.

(No answer.)

Mr. GEORGE. Repeat the question.

Q. Is it not a fact that the Government is anxious to secure the pupils who are far enough advanced to attend the schools, such as Haskell, Carlisle, Flandreau, and other schools where higher education may be obtained, both intellectual and industrial?—A. Why, I don't quite understand what you mean by higher education in these schools. Do you mean that the course prescribed by the Indian Department, say to the eighth grade—I think that is as high as they go—and a trade constitute higher education?

Q. Don't you know that some of these schools go higher than the eighth grade?—A. I do not.

Q. Do they not fit the pupils for college education?—A. No, sir.

Q. The university?—A. No, sir.

Q. That is as you understand it?—A. As I understand it.

Mr. GRAHAM. But even if they did, that would not quite be higher education. It would be only leading to higher education, so called.

Q. What percentage, in your judgment, of the young people allottees on the reservation sold their land and used the proceeds for this higher education that you speak of?—A. Well, I couldn't answer that question, for I don't know.

Q. Are there as many as 50 per cent on the whole reservation who have done that?—A. No, sir; I don't think there are.

Examined by Mr. BEAULIEU:

Q. Are there not a large number who have been educated from the funds that they have received at White Earth from the sale of their lands?—A. In schools?

Q. Who used those funds for that purpose?—A. Why, I wouldn't say that there was a large percentage of them.

Q. Didn't your brother apply for admission to Carlisle school?—A. Yes.

Q. What was the result?—A. Why, they refused him admission on the ground that he was too old to attend school.

Q. How old was he?—A. Why, he was 28.

Q. Did he not make an application to go to Carlisle for the purpose of attending Dickinson College?—A. Yes; and they said he was too old to go to school.

Mr. GEORGE. I don't know enough about Dickinson College to know the significance of that question. What does it signify?

Mr. BEAULIEU. At Carlisle, sometimes they admit boys there who will attend Dickinson College, which is right near by the school, who may obtain an education in that way.

Mr. GEORGE. What is that, a preparatory school?

The WITNESS. It is a law college.

Mr. BEAULIEU. It is a law college and they help them to prepare, within a few years, in that way.

Mr. GRAHAM. Now, the question is, Mr. Beaulieu, is Carlisle usually filled to its capacity?

The WITNESS. Well, I couldn't say. I have never been there; that is, I have only been there once.

Mr. GRAHAM. If it is and they had to choose between a boy 14 and a man of 28, don't you think it would have been better to choose the boy?

The WITNESS. Yes; excepting boys—they have accepted boys since then, I understand.

Mr. GRAHAM. Well, but did they accept anyone 28 years of age, or nearly that, since?

The WITNESS. Yes; they accepted last year a boy of the same age.

Mr. BEAULIEU. Yes; they accepted last year a boy of the same age as Frank Beaulieu.

Mr. GRAHAM. What age is that?

Mr. BEAULIEU. Somewhere between 25 and 30. They accepted a young man from the Red Lake Reservation.

Q. Now, is that school board of which you are a member not handicapped on account of the lack of authority to go into the schools and investigate?—A. I expect so.

Q. You have no legal authority to go there and look after the employees?—A. No, sir.

Q. You simply go there, and if the principal is willing to let you look through you do so, and if not you don't do it?—A. That is right.

Q. And isn't that one of the reasons why you have not been there in your official capacity as a member of that board?—A. Well, that would be one reason. Probably another reason would be the lack of funds to carry on visits to other schools around the State.

Q. You couldn't go to Pine Point or to Beaulieu without having some money, or expending some money rather, for expenses?—A. No.

Q. And for that reason your board does not feel like doing that, does it?—A. That is right.

Q. And now when that council was called, the agent was not present, was he?—A. No.

Q. Whenever Indians call a council, do they usually recognize the agent's right to call that council, or do they call it themselves?—A. Why, I expect that when the Indians first called a council there was not any agent present, so I would not say whether they have changed their policy since or not.

Q. I mean the Indians themselves, I don't mean the policy of the Government.—A. That is what I mean. The policy of the Indians.

EUGENE J. WARREN, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Your full name, please?—A. Eugene J. Warren.

Q. Where do you live?—A. I live at White Earth.

Q. In the village?—A. Yes, sir.

Q. How long have you lived there on the reservation?—A. I was born there and have lived there ever since, with the exception of about three years after I got through school I left there.

Q. What is your age?—A. Thirty-one.

Q. You had an allotment, of course?—A. Yes, sir.

Q. Did you have any but the original and additional allotment which each Indian got?—A. That is all.

Q. You got none by inheritance or otherwise?—A. No, sir.

Q. Do you retain your allotments?—A. No, sir; I have sold all my allotments.

Q. Did you get reasonable prices for them?—A. Yes, sir.

Q. What did you get?—A. Why, I had agricultural land that I sold in 1907, I think it was, for $800; and I had sold my pine allotment for $14,500.

Q. What educational advantages have you had?—A. I attended the reservation schools and I attended the school in North Dakota, and I afterwards graduated at Carlisle in 1901.

Q. What is your present occupation, Mr. Warren?—A. Why at present I have charge of the post office at White Earth, and run a little store in connection with it.

Q. What business have you been in, if any?—A. After I sold my allotments, I left the reservation and went into various kinds of business; among other things, I went into the telephone business.

Q. Private telephone lines?—A. Yes, sir.

Q. Had you any special training for that kind of work—A. No, sir; not specially.

Q. You are not in that business now, are you?—A. No, sir.

Examined by Mr. BEAULIEU:

Q. Mr. Warren, you are strictly a temperate man, are you not?—A. Why I would say I was; yes, sir.

Q. You are capable of filling a position in the school service on the reservation?—A. Why, I served three years in the civil service.

Q. Are you capable of filling a position in the department office on the reservation?—A. I never did that work; I don't know whether I would be or not. I couldn't judge for myself.

Q. Are you a member of the board that was appointed by the council at Red Oak?—A. Yes, sir; I was present and was elected to that board at that time.

Q. What are the duties of that board?—A. Why, as near as I could understand at the time we were elected, and as near as I could find out since, it would be the duty of the board to look after the using of the funds that were appropriated for educational matters and the relief of the Chippewas, and to recommend anything that might occur to us or that was not being done right, recommend to the Secretary of the Interior. I think that was about what we were expected to look after.

Q. And you were to look after the interests generally of the Chippewas of Minnesota?—A. That was my understanding.

Q. Was it not also for the purpose of seeing that not too many employees were being employed?—A. It was the purpose to economize and to see that the schools were properly carried on, and that efficient help was employed.

Q. Do you know any other purpose for which the board was appointed?—A. Why, of course, inasmuch as we never had the legal authority to act, we never planned any special line of work and never had anything laid down for us, only what we talked about, or heard talked about, at the council at the time that we were appointed; but it was also my understanding, as we were interested materially and the Indians were interested materially, that it would be to our advantage to look after the interests of the Indians in regard to the expending of moneys appropriated for their purposes on the reservation.

Q. They should see what moneys were spent there every quarter and how much of that money, and for what purposes?—A. Yes, sir; and to see that the Indians got value received as far as possible.

Q. And the whole matter of the appointment of that board was to economize, was it not?—A. Yes; it was in a way.

Q. And to prevent the waste of Chippewa money?—A. Yes, sir.

Q. Do you think that would be a good method to prevent the wasteful expenditure of Chippewa funds?—A. Why, owing to my experience in Government matters, of course, taking it from the Indian's standpoint, as a student in Indian schools of course I became familiar with the methods of the Government in handling children and carrying on their work in schools, and, of course, after I graduated and became an employee I naturally was carried over to the other side, and it has been my experience and my observation to learn that under the present system, under the Government's method at the present time, it is impossible to give the Indian children the right kind of education or give them what they should get. It seems it is impossible to get efficient teachers, teachers who are capable and have received special training, and consequently they are not getting the same benefits that the children are getting in the public schools.

Q. You have looked into the expenditures in regard to the schools to some extent on the White Earth Reservation, have you not?—A. Why, I have had occasion to do so at times; yes, sir.

Q. And occasionally you were temporarily in charge of the White Earth boarding school, were you not?—A. I was at one time; yes, sir.

Q. And did you see any way in which economy could be practiced there?—A. Why, yes; in a great many ways.

Q. Did you see any necessity for a school farmer outside of the disciplinarian?—A. Why, I couldn't say exactly as to that. I would depend a great deal upon what the Government intended to carry out. If they intended to make a specialty of industrial training, I should think they would need a farmer who would teach the children to farm. If they didn't intend to make a specialty of farming or industrial work, I don't think they would need any.

Q. Do you not think that a man could be obtained at White Earth who was sufficiently informed regarding manufacturing and

farming on the White Earth Reservation?—A. I think that would be possible; yes.

Q. And do you not think that other employees could be obtained there among the Indians?—A. Yes, sir.

Q. And do you not think that every position upon the White Earth Reservation could be filled by members of the tribe?—A. I think it would be possible.

Q. And do you not think it would be encouraging to the other Indians, to the young Indians who have not graduated from any schools, to continue attending school with a view to securing employment after they got home?—A. I think that would be an inducement.

Mr. GRAHAM. Mr. Beaulieu, I wish you would give Mr. Warren a chance to tell the committee his own views on these points, instead of framing the questions so that all he has to do is to just merely give his assent to your propositions. He is educated, and is quite capable of giving his views, and I wish you would ask him to do it, and give him a chance.

Mr. BEAULIEU. Of course; I will be glad to do so.

Mr. GRAHAM. You discount the force of his answer almost 50 per cent by the way you put the question. He just falls into your way of thought, and we don't know how forcibly he means it; but if he would give us his own views we would understand that they were his views and not yours.

Mr. BEAULIEU. I am only following what Mr. Burch did in establishing a precedent.

Mr. GRAHAM. I don't agree with you in that, and I may say to you now that you should not follow all the bad precedents. Follow the good precedents and not the bad ones.

Mr. BEAULIEU. I think that I should have the same latitude.

Mr. GRAHAM. I think you have had twice the latitude, and I am very tired of hearing your remarks to the contrary. I think any fair-minded person, who has attended these hearings, will say that you have had tremendous latitude, and it is ungrateful for you to make the remarks that you do along that line.

Mr. BEAULIEU. I don't make these remarks with any intention of reflecting against the committee.

Mr. GRAHAM. But it is a reflection, whether you mean it or not.

Mr. BEAULIEU. I don't so mean it, but I want to remind the committee that I would like to have the same privileges granted to me that were granted to Mr. Burch.

Mr. GRAHAM. You have had every privilege he has had and many more, and for this reason: You are not a lawyer; you do not clearly know what you want to bring out; you have at times floundered around like a fish out of water, and the committee has listened to you sometimes when the work you were doing seemed absolutely pointless, and bore with you, because you didn't have the advantage of the training which Judge Burch has had in preparing cases and presenting them; and we have been exceedingly patient with you and shall continue to be; but I think it is ungrateful that you should refer to our indulgence to you in the way that you do.

Mr. BEAULIEU. Now, Mr. Chairman, I am going to say right here. since you have given me this opportunity, that I have against me five attorneys, attorneys from the Department of Justice, who have been trained to prosecute these cases, to prosecute any case, especially

trained in that line. I am here, and I am not an attorney; the Indians are not being represented by attorneys here. We find, in addition to these men who have represented the Government—Mr. Linnen here, who has had a great deal of experience, and he can go right ahead and ask these questions, and, of course, they have an advantage over me. I am all alone against five men.

Mr. GRAHAM. Who are they?

Mr. BEAULIEU. And I rely upon the committee to put me right. I know very well that I make mistakes, and I think that the committee ought to indulge me.

Mr. GRAHAM. The committee has indulged you.

Mr. BEAULIEU. Yes; and with all these men against me——

Mr. GRAHAM. Where are the five?

Mr. BEAULIEU. Mr. Burch, Mr. Cain, Mr. Linnen, Mr. Hinton, Mr. Long—they are all here, they are consulting with each other constantly; Maj. Howard, Mr. West, and Mr. Harper—they are all under the employ of the Government, getting big salaries to do this work——

Mr. GRAHAM. That statement is far from correct. Mr. Hinton has not in any way interfered in this matter; Mr. Howard has not interfered in it; Mr. Cain has had very little to do with it, indeed. Judge Burch has conducted the examinations mainly from that side of the question. And some of these gentlemen you speak of, so far as I know, are not lawyers. On the other hand, you have had assistants; the committee specifically said to you at the very beginning of our sessions here, that you could have any friends you desired to stay by you, suggest to you, and advise you, and you have taken advantage of it often. You have had your brother; you have had Mr. Carl; you have had anyone you chose.

Mr. BEAULIEU. Well, we have not the United States Treasury back of us. We have nothing. We have even got to pay our own expenses.

Mr. GRAHAM. I don't see that that makes a bit of difference.

Mr. BEAULIEU. Well, if I were allowed to employ an attorney, I would have an attorney to represent me here and represent the tribe.

Mr. GRAHAM. You have the United States Treasury back of you, in a sense, you have given the committee a list of such witnesses as you have wished, aggregating 50 to 75 in number.

Mr. BEAULIEU. Not nearly as many——

Mr. GRAHAM. All you have asked for.

Mr. BEAULIEU. Yes.

Mr. GRAHAM. They have been here at the expense of the United States Treasury waiting for weeks, some of them, to be called on. Everything you asked was done promptly and cheerfully.

Mr. BEAULIEU. So far as that is concerned I have nothing to say, so far as the committee is concerned about complying with my requests for witnesses; but you must see that I have worked at a disadvantage, because I am not a trained lawyer.

Mr. GRAHAM. I do see it.

Mr. BEAULIEU. I am not a trained lawyer, and they are trained lawyers. Mr. Burch is Assistant Attorney General, and he also has other assistants here who are attorneys.

Mr. GRAHAM. Well, now, going back to your point. I wish you would get Mr. Warren's own views on the subjects about which you were asking him. Ask him to give his views.

Mr. BEAULIEU. Well, I have asked him to give his views. I want you to understand, Mr. Chairman, that from now on I am not here to have this committee pass upon me, whether I have been at fault in this matter. I was tried at Fergus Falls, and I was exonerated there. I am not here to get an exoneration from this committee, because I don't recognize this committee's right to pass upon anything that I have done. I simply come here to represent these Indians. I came here to represent them at their request; that is the only reason I am here. I have nothing here to present to the committee on my own behalf, because I have been exonerated, and I was exonerated at Fergus Falls; and when I was exonerated at Fergus Falls I regarded that as the end of anything that the United States had to do with me.

Mr. GRAHAM. I do not understand why you make that statement at this time. Has anyone intimated that you are on trial here?

Mr. BEAULIEU. Why, yes.

Mr. GRAHAM. Who?

Mr. BEAULIEU. Do you not read the papers?

Mr. GRAHAM. No; I don't have time.

Mr. BEAULIEU. The papers called me the defendant in this case.

Mr. GRAHAM. I know; but I don't care about the papers. Has anyone connected with the committee in any way intimated that you are on trial?

Mr. BEAULIEU. I so understood at Minneapolis that I was the one that was being tried, practically. You said yourself that all these things were pointed at me—in my direction.

Mr. GRAHAM. And, therefore, that you had a right to be heard. But I didn't say that you were on trial. I said very distinctly and specifically that we had nothing to do with the Fergus Falls matter; that we were not reviewing an opinion of the court; that we were investigating conditions at White Earth, and nothing more.

Mr. BEAULIEU. I understand that; but has it not appeared to you that everything is directed to me, not against the agent or anyone else? The agent is being defended by the very men who should be prosecuting him. Mr. Linnen should be trying to bring out the facts against the agent, and matters that I have been trying to bring out, and I a member of the reservation. He should be sitting on this side and asking questions of the witnesses who appear here against the Indian agent and not acting as his attorney in the matter.

Mr. GRAHAM. Well, Mr. Beaulieu, that is a matter of choice or judgment. It does not appear to me as you suggest. But it does appear to me that you have been very much the most active man on the reservation; that you are the editor of the paper there; that the paper has been exceedingly active in the discussion of every subject that arose there; and that any investigation at White Earth would necessarily involve you, in an incidental way, as this one has; and it has not been because you are Gus H. Beaulieu, but because you have been identified with nearly everything that took place upon the reservation; and to investigate White Earth conditions and leave you out of

the investigation would be to give the play of Hamlet and omit the character of Hamlet.

Mr. BEAULIEU. Well, I know that I have been. I could go on like a great many and ignore everything. I could leave here at this moment and ignore things; but I came up here to assist this committee to get at the bottom of facts regarding reservation matters, and for that reason I stayed, notwithstanding the criticisms that have been made against me. I have said "we," and you called me to account for it.

Mr. GRAHAM. I have asked you to explain who "we" was.

Mr. BEAULIEU. At this moment I am going to file the authority under which we were acting.

Mr. GRAHAM. You have promised that you would do so.

Mr. BEAULIEU. The authority under which we are acting; and the reason of the delay was this, that Mr. Carl has been unable to find the Secretary, he was away somewhere and has been gone ever since. So, for that reason, we will not be able to put his name here. We will not be able to file this with his name, but this is a council proceeding which should have been signed by Mr. Carl and Mr. Brown and an interpreter.

Mr. GRAHAM. The committee had no uneasiness about that at all. The committee asked you to do it, and you said you would. There was nothing further said or done about it. We had not any uneasiness on that score at all. When you came to the meetings, the first ones, at Minneapolis, you stated then that you and Mr. Carl had been selected by a council meeting to represent them during the hearings, and that you were ready to do so. Mr. Carl, in that connection, asked that a reporter representing him, and you also, I presume, be allowed to sit with us and take the testimony, and we cheerfully acceeded to that request, and Mr. Cameron has been with us, I am glad to say, every minute of the time since, and we will go on in just the same way to the end. But, really, Mr. Beaulieu, it is sometimes very annoying and it gets on my nerves a little bit, now and then, to see time frittered away on matters that are almost absolutely immaterial.

Mr. BEAULIEU. Well, possibly it may be considered immaterial: that is just where we are lame. We do not know where; if we had an attorney we would know how to proceed.

Mr. GRAHAM. Well, now, for instance, what need was there, or what good in bringing three men or more to prove this matter about the school proceedings? Why, a mere statement by you or by anybody would have been quite as good as the testimony of three men who have been nearly three weeks waiting to testify on that point.

Mr. BEAULIEU. Well, I was doubtful whether my statement would be accepted.

Mr. GRAHAM. Well, then, one witness would have done.

Mr. BEAULIEU. Well, it is not merely for the purpose of showing what the proceedings were, but Rudy Beaulieu has forgotten everything he knew about the reservation affairs and what he told me.

Mr. GRAHAM. Well, I mentioned that, but that is not the only instance of its kind, but it is those things that sometimes make me impatient. My colleague never gets that way—but I do want to make better progress. Can you proceed now with this witness?

Q. Mr. Warren, just go on in your own way; you have heard what the chairman wants?—A. Well, I would like to be guided a little. I don't know what point you want me to talk on. I might string it along for an hour or more.

Mr. GRAHAM. Would you prefer to answer questions?

The WITNESS. Why, not especially; but let me know what you wish.

Mr. GRAHAM. Well, are there any particular points, Mr. Warren, that you would like to call attention to concerning White Earth matters?

Q. Mr. Warren, were you there when the allotting of lands took place?—A. Yes, sir.

Q. I wish you would tell us about those allotments, how they took place.—A. I was employed at the Government school at that time, and, just as has been said here, on Sunday morning—I don't remember the date—the line started to form along about 9 o'clock in the morning, and I heard of it accidentally while I was at the school, and I got leave from the superintendent and went down to see what was being done. I saw the line was being formed and that it was possible there would be two or three hundred there before the allotments took place the next morning, so I got in line. I think my place was about No. 30. I was about the thirtieth person in the line. We stood there all that night, and of course it was impossible—it being necessary to stand there to hold places—it was impossible to find out what was being done or talked about in the councils that were being held during that night and the next morning by the people who called themselves full-blood Indians. As a matter of fact, there were a great many mixed bloods who talked with these Indians and who united with them. Well, along before the allotments took place the next morning we heard that the Indians, or the other faction who refused to get in line, were going to attempt to break the line by force. They had guns, they had accumulated arms, and were going to be violent. And we were told by the policeman and different parties that the line that had formed the day before would not hold; that the first person who got into the office would be allotted. Then we began to get uneasy and the line got weakened and somewhat broken and people got out into the crowd, until Mr. Michelet came out in front of the office and called attention to the fact, and said that the line that had formed would hold. Of course the line then got close in and became solid and more people lost their places. Some new people got into line and he made a statement that all Indians not in the line and who called themselves full bloods were to form on the opposite side of the gate, and they did so. As I remember, he stated that the mixed bloods or other people who had information in regard to allotments, and in regard to pine land, were to assist the full bloods in securing the allotments, and I remember that I put in about two weeks securing minutes and looking over the land out on the reservation, and I secured about 50 or 60 tracts or minutes of pine land—that is, 80-acre tracts—and after this line had formed it got me down to about No. 60 or 61 (I have forgotten which it was), and by the time I got into the office most of the best pine—that is, that I had minutes on—was taken. But I succeeded in getting an allotment, and also for the Indian I went in with. I do not recall who he was at the present time, but he

had no minutes and I gave him the benefit of what I had, and it was supposed that each one would do so wherever they had information. And after I got through and got my allotment I had in mind, of course, my extensive family, my brothers and sisters and relatives, who numbered 50 or 100, I suppose, who had formed in line, and I, with the consent of Mr. Michelet, was allowed to assist with what information I had in securing allotments for them. Most of them were girls or ladies and were unable to secure information, and knew nothing at all about the reservation, or rather the land, and I did the best I could in securing allotments for them. Of course after they were allotted, after the first day or two, I went back to work and knew nothing more about what happened. I do not know anything about the selling of the pine after it was taken, and in fact I was unable, after I secured this pine allotment, to sell it for, I think, two years or more after I secured it.

Q. Do you know what followed that alloting, whether there was not a proposition to sell it under the Wisconsin plan?—A. Why, I remember after the allotments were made a special agent called Downs was sent up to investigate conditions, and it seemed as though he was inclined to be after Michelet. I thought he was trying to discredit the allotments that were made, and as I was working at the school I had occasion to meet Mr. Downs now and then, and he seemed to have the idea that the full-blood Indians were the Indians that were not able to secure information and did not get a fair deal, and he kept saying: "It is my duty and the duty of the Government to see that these Indians get a fair deal, and I am going to recommend that these allotments be canceled," and with that in view, to secure good allotments for the full-blood Indians, he talked with the full bloods and talked with the ones that came to him and told them that if they would refuse to take allotments and not accept allotments under Michelet at that time, he would have the allotments canceled and secure for them good allotments.

Mr. GEORGE. I want to know what he understood this Wisconsin plan to be.

The WITNESS. Why, it was—the way we understood it and the way it was done and talked all over among the more enlightened class or progressive element—that the Wisconsin men had secured the assistance of these inspectors and Government officials in getting these allotments canceled so that it would be impossible for them to secure timber all in a bunch; that there had been only two weeks' notice, and with the knowledge that the Wisconsin ring had previously had the information on this pine, it was plain to be seen that the Wisconsin ring was attempting to try to get a monopoly on this piece of timber; that was our idea, and of course the majority of the people that I would call the enlightened element or the progressive element. We did not have any special lumber company; all we had in mind was our exclusive families, and we wanted to get this land allotted so it would be possible for us to secure allotments of that timber and get personal control of it.

Mr. GEORGE. That is to say, you wanted to get the land allotted so you could sell the timber as you personally pleased?

The WITNESS. Yes, sir; under the Clapp amendment.

Mr. GEORGE. Rather than have the Government sell the timber and have the money go into the tribal funds?

The WITNESS. Yes, sir.

Mr. GEORGE. Or, if not a tribal fund, then the money to be allotted?

The WITNESS. No; we did not want that. We wanted the land allotted so it would give us control. We did not want this pine sold, and we did not want it to go into the tribal funds.

Mr. GEORGE. Your idea was to get control so that you could make your own bargain?

The WITNESS. Yes, sir.

Mr. GEORGE. Is that what you understood the Wisconsin plan to be?

The WITNESS. I understood it to be that they were going to secure this timber in bunches and divide the proceeds among the Indians.

Mr. GEORGE. And what you wanted was to have the land allotted and then make your own bargain?

The WITNESS. Yes, sir.

Mr. GEORGE. Not have the Government make the bargain?

The WITNESS. No, sir.

Mr. GEORGE. And not have the Government sell the timber?

The WITNESS. No, sir.

Mr. GEORGE. You wanted to sell it yourselves?

The WITNESS. Yes, sir.

Mr. GEORGE. That was the Wisconsin plan—that is, where the Government was selling timber?

The WITNESS. Yes, sir.

Mr. GEORGE. And what did you call the other plan?

The WITNESS. The allotting, securing control ourselves. We had in mind no especial lumber company; we did not want any plan outside of the allotting of the timber and getting control of it.

Mr. GRAHAM. You understand, then, Mr. Warren, that owing to the very wide difference in the value of the 80-acre tracts it would be impossible to make any equitable division of the land. That some would get allotments worth twenty thousand or more, and others would be compelled to take allotments worth only one thousand?

The WITNESS. Yes, sir, in a great many cases; where it was possible for people who knew the conditions to get pine land they took agricultural land in preference in a great many cases.

Mr. GRAHAM. So far as real equity is concerned, the Wisconsin plan, converting the land or the timber into a common fund and then dividing the fund, would be far more equitable, if the division were made fairly?

The WITNESS. If that were done and the division made and the money paid immediately, it would have been all right; but we did not like the idea of having these funds tied up indefinitely.

Mr. GRAHAM. Well, now, did the other feature have anything to do with it? That is—that there would be great inequality in the allotments?

The WITNESS. No, sir.

Mr. GRAHAM. And that the wiser and brighter ones would be pretty sure to get the better allotments?

The WITNESS. Why, that is true; but, of course, it was a chance. We knew there was just so much pine to be allotted and everyone had the same chance, and it was simply a rush, that is all.

Mr. GRAHAM. Well, is that quite true that everyone had the same chance? Were not the initiated in far better position than the uniniated?

The WITNESS. Everyone had the same chance.

Mr. GEORGE. You had some knowledge. You state you gave some information concerning the timber lands to some Indians.

The WITNESS. Yes, sir; I secured that knowledge. I never was in the pine country in my life but two weeks before I went out to investigate.

Mr. GEORGE. But you did have better knowledge?

The WITNESS. Yes; I secured those descriptions.

Mr. GEORGE. That is just the point I am making—there were some Indians, these full bloods, or mixed bloods, who had advantages over the other Indians?

The WITNESS. Certainly; yes, sir.

Mr. GEORGE. So that some must have been favored and others not in such a division?

The WITNESS. It depends entirely on whether they got out and hustled, that is all.

Mr. GEORGE. But the strong would have the advantage in the scramble?

The WITNESS. Well, it would depend on their efforts—the more enlightened ones.

Mr. GEORGE. Would they fare as equitably as if the Government sold the timber and then divided the money, Mr. Warren?

The WITNESS. I said if the money had been paid out immediately it would have been satisfactory, but we did not want the money tied up.

Mr. GEORGE. Did you make any outcry against that?

The WITNESS. That is always the way, if the money is put into the Treasury.

Mr. GEORGE. Did you raise that objection?

The WITNESS. No, sir.

Mr. GEORGE. You just took it for granted, if the land were sold in that way, the timber sold, if by the Government, the money would be tied up?

The WITNESS. Yes, sir.

Mr. GRAHAM. And doled out a little at a time?

The WITNESS. Yes; paying the expenses of the employees and teachers and very seldom getting any of that money; it is only $6 or $8 a year for the annuity, something like that.

AFTERNOON SESSION.

Mr. CARL. Mr. Chairman, may I be permitted to make a little statement?

Mr. GRAHAM. Go ahead, sir.

Mr. CARL. Two of the witnesses here, who have appeared here at the instance of Mr. Beaulieu, have been approached by the members on the other side; that is, Mr. Nicodemus Hurr was approached by Mr. Dummert and was threatened that if he brought out certain facts, certain facts would be brought out against him. The object of my getting up here to make this statement was the wrongful act by a man whom we consider as one of the high officials conducting

this investigation upon White Earth matters. I refer to Mr. Long. After Mrs. Latourelle had testified here, which was very displeasing to Mr. Long, and was instructed by the chairman to go in there in that room and arrange for the fees, she was followed and deliberately called a liar by this man in the presence of the ladies. It was an insult—it does not make any difference where it is. I want that to go in the record.

Mr. GRAHAM. With reference to Mr. Hurr, was the language which you refer to used toward him before or after he gave his testimony?

Mr. CARL. It was before.

Mr. GRAHAM. Why was not that developed in the testimony?

Mr. CARL. I take that back; it was afterwards.

Mr. GRAHAM. When was it?

Mr. CARL. I think Mr. Hurr could tell better than I could. It was after he testified.

Mr. GRAHAM. Well, I think Mr. Beaulieu brought that out in his testimony.

Mr. CARL. Well, I have referred to that simply because it is the second time it has occurred.

EUGENE J. WARREN, recalled.

Examined by Mr. BEAULIEU:

Q. Do you know how much money the Indians have received for their lands and timber up to date, that is, practically the amount?—A. Do you mean the amount at present in the United States Treasury to the credit of the Indians?

Q. Yes.—A. Why, as I understand it, there is at present over $5,000,000 to the credit of the Indians.

Q. Do you know how much the total amount has been that they have received?—A. Between nine and ten million.

Q. Have you received any benefit from that—from the difference of the amount that is in the Treasury of the United States and that that the timber has been sold for and the land?—A. Not any more than the yearly annuity, amounting from $6 to $9, and school facilities; that is, the right to go to school—attend an Indian school.

Q. Now, Mr. Warren, I wish you would tell the committee what you know about the McLaughlin or, rather, the Wisconsin plan—the McLaughlin investigation or the Wisconsin plan. First, I think you had better tell about the Wisconsin plan, if you know it.—A. I am not familiar with the exact methods proposed by the Wisconsin pine companies in regard to buying the Indian timber.

Q. Of course you know there was some fault found with the plan proposed at White Earth?—A. Why, I think the plan proposed at White Earth was based on the records, and I think in the previous dealings with the Indians in Wisconsin it was very unsatisfactory.

Mr. GEORGE. In what way unsatisfactory?

The WITNESS. Of course, I got this from hearsay; that is the only means we had at that time. We could not get to the records, but we understood that the money derived from the timber—there were certain unnecessary measures taken in regard to the building of the buildings for Government employees, and the building of automobile sheds, and such stuff as that, and that the scale was very poor, and that we did not get a fair deal on the scale of the timber when it was purchased. Those were the main reasons.

Mr. GEORGE. Did you have any exact information about that?

The WITNESS. I think there is a certain report that shows a little of it.

Mr. GEORGE. What was that report?

The WITNESS. I think it was Mr. O'Neal's report.

Q. Was not that allotment of timber—that was disposed of and sold?—A. Yes; as I understand it.

Q. Well, I wish you would tell now about the McLaughlin——

Mr. GEORGE. If you please, Mr. Beaulieu, do you mean the Wisconsin timber? Are you going on with the Wisconsin idea in that question?

Mr. BEAULIEU. Yes, sir. It was the allotted timber; they did not sell it as tribal timber; all the Wisconsin timber is sold as allotted timber.

Mr. GEORGE. Well, you objected to the application of that principle in Minnesota?

The WITNESS. Yes, sir; I objected to anything that the Government had anything to do with in regard to the selling of timber.

Mr. GEORGE. In your answers to me before luncheon you said you wanted the land allotted so that the allottee could sell his timber as he pleased.

Mr. BEAULIEU. I am going to introduce some other evidence at some time in regard to that for the reason—do you know anything about the McLaughlin investigation at White Earth?

The WITNESS. I was at the time employed in the school. I did not attend the council called by McLaughlin, but I was familiar with what happened.

Q. I wish you would explain in your own way what happened.—A. Why, it seems that after Downs and Davis—the two men that investigated conditions there previous to the coming of McLaughlin—it seems that they were in line with the interests in Wisconsin and had a scheme by which they could get control of the timber, and of course we protested against it. All this has already been testified to. But Mr. McLaughlin was asked to go out and investigate and was sent out by the Secretary of the Interior. He came to White Earth and saw the conditions, investigated, and gave notice for council at White Earth to decide what would be best to do. Whether to allow the allotments [the allotments had been canceled at that time], whether to allow them to stand as they were made by Agent Michelet, or whether to recommend their cancellation and reallotment, and as a majority of the people were in favor of the allotments made by Michelet when the vote was taken under McLaughlin at this council, the people who were not in favor of the allotments were defeated by a large vote. I don't remember what the vote was, but Mr. McLaughlin made a report, and it was submitted, and the allotments stood as they were made by Michelet.

Q. Do you know under what plan the full bloods wanted the allotments made, what their arguments were at that time?—A. The main argument was this: These people are easily influenced, especially by the Government officials. They will listen to a Government official when they won't listen to anyone else. They were told that if they would oppose the allotments made in May they would see that they got the best allotment, that they would have the preference in reallotments, and that was what the Indians objected to.

Q. The full bloods would be allotted first?—A. Yes.

Q. And who next?—A. I think the mixed bloods, and the people that were in favor of the allotments would get what was left.

Q. And the outsiders?—A. There was talk that there would not be any left at all.

Mr. BURCH. Now, Mr. Linnen represents certain ideas; and while we are perfectly good friends in this matter, we are not altogether in accord about some things, so I think I might have an opportunity properly from my point of view as representing particularly the Department of Justice, and Mr. Linnen might also have, I might say, his "innings," or, if the committee does not wish to do so, I will defer to Mr. Linnen entirely.

Mr. GRAHAM. There is no reason why you should not ask questions. What we want to get at is relevant facts. It is not so much who brings them out as that we get them.

Mr. BURCH. Generally, I am very well pleased with the witness's testimony, very much pleased with it.

Examined by Mr. LINNEN:

Q. Mr. Warren, you say you are a graduate of Carlisle?—A. Yes, sir.

Q. What branch, what course are you a graduate in?—A. Why, there is only one course.

Q. I mean, did you take a normal course or business course?—A. They do not have the business course at Carlisle.

Q. That is, they did not while you were there?—A. No, sir. They were just starting the normal course, what is called the academic course, I suppose.

Q. Then you took the normal course?—A. Yes, sir.

Q. And they do have such a course in the Carlisle School?—A. Yes, sir.

Q. Do they not also teach telegraphy, stenography, and typewriting?—A. Not at that time.

Q. And bookkeeping?—A. Well, I had a little bookkeeping in connection with the other studies at that time but I did not make a specialty of it.

Q. And in the Industrial Training—did they not teach shoemaking, carpentering, blacksmithing, tailoring, dressmaking, farming, floral work, gardening, plastering, and bricklaying?—A. Yes, sir.

Q. Now, you were one of three appointed by the council as an educational board to look after the tribal interests?—A. Yes, sir. I was.

Q. Have you ever performed any service?—A. Not to any extent.

Q. Have you ever visited the White Earth School, or any school, or made any reports?—A. Never made any report; no, sir. I have been at the White Earth School, but not visiting it in any official manner, just simply out of my own—for my own satisfaction, just to see how it was conducted.

Q. Now, you sold your allotments, Mr. Warren, for $15,300, did you not?—A. Two allotments?

Q. One for $14,500 and one for $800?—A. Yes, sir.

Q. And were you defrauded out of a large amount of that money?—A. Well, that is a matter, Mr. Linnen—after I left the reservation I got into different business deals and, of course, natu-

rally, as a young man without business experience, having simply lived on the White Earth Reservation for years and attended the Government schools, and not having mingled with white people, and not having been out in the business world, I went into these investments carelessly and lost a great deal of money. On account of that I got into a lawsuit with a man and it was brought out in the district court and I got a little satisfaction—not much—and it is a thing that has been settled and it is a thing of the past; that is the way I have looked at it. And by so doing I have acquired a great deal of experience and have lost some money.

Q. Now, at the time of the allotment, didn't you and your relatives—about a dozen of them—secure valuable pine allotments?—A. Yes, sir; they did.

Q. You had two brothers, did you not, who were timber cruisers?—A. Yes, sir.

Q. And by that means, of course, they would gain information to give to yourself and family that others would not get?—A. I think, Mr. Linnen, I have gained all the information that was used by our family, although I was not a cruiser. I don't know that my brothers, who are cruisers, gave any information to the family, although they assisted all that was possible, but they did not put any time in cruising before the allotments were made.

Q. As a matter of fact, they did obtain good allotments—the majority—about a dozen?—A. Some of them did.

Q. Was that one of the reasons which affected your idea as to whether or not that allotment, as made, should be set aside or not?—A. It certainly did; together with other reasons.

Q. Now, you state that certain officials, meaning Mr. Downs and Mr. Davis, had stated to the full bloods that if they would protest against the allotting and would refuse to accept the allotments that the allotments, as stated, would be thrown out and the Wisconsin plan followed. How did you know that?—A. I knew it from statements made by Mr. Downs; that is, in my presence, several times and from people who also heard him make these statements.

Mr. BURCH. I don't think of anything worth while. I am very much pleased with the testimony of the witness in the main.

Mr. GRAHAM. Mr. Beaulieu, let me call your attention to a statement in the hearings which you have before you, at page 143. and subsequent pages. Have you found the statement I refer to, Mr. Beaulieu?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. There is set out on pages 143, 144, 145 of the hearings a detailed statement of the Chippewa Indian moneys in the hands of the Government. I assume that you have studied that statement very carefully?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Aren't there any questions with reference to it that you want to ask Mr. Warren? He seems to be very well informed along this line. You touched upon it in a general way, but if you have fault to find with the statement I wish you would develop it.

Mr. BEAULIEU. Not by this Mr. Warren; I have another Mr. Warren and also Mr. Fairbanks.

Mr. GRAHAM. Very well, I understood you were to take it up. Then we will not burden the record any further with reference to it at this time.

Examined by Mr. GEORGE:

Q. Mr. Warren, I would like to ask you a question about education. Did you go to any higher school any higher institution, after you left Carlisle?—A. No, sir.

Q. You have had no experience with institutions of learning higher than that of Carlisle?—A. No, sir.

Q. Any other higher than Carlisle?—A. No, sir.

Q. I want to ask your judgment as to whether or not you think it a wise policy for the Government to send Indians to a segregated school like Carlisle, rather than to send them to other schools where they would have association with white people, so that they would regard themselves, in the course of time, as American citizens?—A. I would be strongly in favor of the last course you mention for this reason: It throws the Indians on the same level, on the same basis with the whites; that is, the Indian children; and I am now reminded of a report sent in to the Indian Department in June, 1909, by O. H. Lipp (I think he was supervisor), who has been advocating that theory for a number of years. He was at one time a White Earth superintendent and he made a report to that effect, to the Indian Commissioner.

Q. Then you would advocate sending them to the Minnesota University, as Mr. Carl went, or to Harvard or Yale, or any other institution that was not a segregated school, an Indian school?—A. Yes, sir; I would be strongly in favor of it. If it were possible for the Government to appropriate a special fund for higher education, to take the boys or the children, after they finish their education that the Government has set out for them in the Indian schools. then take them and assist them in obtaining a higher education. They drop them just when they are ready to advance. On account of the conditions of the Government, and the conditions of their tribal relations, it is hard for them to advance themselves to secure advantages; conditions are different than among the white people, and for that reason they need assistance from the Government, and I think the ambition of the Indians should be higher; they should be advanced more; be placed on the same footing with the whites. A great many children educated at Carlisle and Haskell, and these schools, go just a little while to another normal school or college, and then they have no means of doing it; the Government assists them no further; consequently they go back to the reservation. That is the reason so very few of them advance.

Q. Well, supposing you take a school that goes no higher than Carlisle or Haskell, but it is filled for the most part with whites, pure whites, would you be in favor of sending the Indian boys there as against sending them to Carlisle?—A. Yes, sir; I would be in favor of the Government cooperating with the State on the school question.

Q. You think better to separate them, rather than have them drawn together?—A. Drawn together?

Q. Would you have the Indians together, as at Carlisle, or scatter them amongst the other schools?—A. Scatter them, bringing them whites and Indians together; that is what I mean.

Examined by Mr. GRAHAM:

Q. As I understand it, the Carlisle school is primarily an industrial school?—A. Yes, sir.

Q. They teach the boys there to use their hands in an industrial way?—A. Yes, sir.

Q. Now, the other schools you speak of, the institutions of higher learning, the universities give a purely intellectual training?—A. Yes, sir.

Q. If you gave the Indian boys a purely intellectual training, what do you think the benefit would be for them—that is, what course or what profession would you have them follow after they left the university, because the university is largely to train men for professional life?—A. Mr. Chairman, I don't think it will be necessary to make any distinction, for the people would make the distinction.

Q. What opening is there for them?—A. If they are placed on the same basis as white people—I know the Indian boys in the Iowa University, after they become students it is impossible to tell whether they are Indian or white, and they have equal chances. It is left to them to decide what to do, whether to become doctors or lawyers or dentists or anything whatever may appeal to them.

Q. Were you present the other day in this room when we had a colloquy about the history and hereditary traits of the Indian and his contempt for manual labor which has come down through many, many generations?—A. Yes, sir.

Q. That is true, is it not?—A. Yes, sir.

Q. Now, do you not regard it as very essential that he should be weaned from that illogical and absurd view of life in the first instance, and that he should look upon work as honorable rather than contemptible?—A. Yes, sir; if it can be brought about in that way; but the trouble is that the Government has gone too far on that subject also. In these scchools, for instance Carlisle, or any other large school, the talks are along those lines. It becomes a bore: "You have got to work. You have got to work. You will never prosper unless you work." And that seems to be—a girl has got to learn to be a cook and wash dishes, and the boys, too, got to learn to hoe the garden and dig—and it becomes a bore; they don't seem to lift you up to any higher elevation.

Q. You are right, that they can never teach girls to wash dishes or boys to dig by telling them that they should do so; but don't they put the girl to washing dishes, and don't they put the boy to digging?—A. Oh, of course, naturally; I think that would take care of itself in time.

Q. I quite agree with you Mr. Warren, that constantly nagging them about work is poor policy and might disgust them with the very thing talked about.—A. They put too much stress on it.

Q. Well, where would you train the Indian boy for the university—Carlisle or Haskell, or most of these other schools you speak of would be nothing more than preparatory schools for admission to the university?—A. I would suggest this: Of course I have not made a very thorough study of the matter, but if the Government could make the appropriation for higher education, and make it possible for the Indian students to advance. As soon as these stu-

dents at Carlisle or Haskell, or in the more advanced Indian schools, have finished their courses there, they should understand that they should pass a sort of competitive examination, so as to secure the benefit of a certain fund, and if they fulfilled the requirements, and their moral condition was all right, and had passed a certain examination, then let them have the benefit. It would tend to give the pupil something to work for, and I think it would have a good effect in every way.

Q. Would you use the tribal funds for that purpose?—A. These schools do not prepare the children for college; we can not enter the freshman class in college after passing through Carlisle as it is now run.

Q. But with slight modification it could be done?—A. Yes; with some preparatory course, and that fund could be used for the same purpose.

Q. Would you favor using the tribal money for the purpose of carrying such boys through the university?—A. Yes, sir.

Q. Of course you would have to have the consent of the tribes to such use of the funds?—A. I don't think it can be used to any better advantage.

Q. Well, among the Indians, like the white men, there are comparatively few who could make proper use of university training. A great many men who lead a business life, or in some other line, are not helped so much by university training; and as to those Indians, who are not by nature qualified after such training, what would you suggest in the way of training their muscles to work?—A. Why, I would simply make it optional with the students; if they wanted to take advantage of this, they would have to live up to certain requirements; and if inclined the other way they could take an industrial or agricultural course, so that they would be capable of running a farm.

Q. Well, Carlisle—and these schools nearly like it—I take it is the best of its kind?—A. It is the best of its kind, but does not complete.

Q. Well, does it help the Indian who goes through it in an industrial way?—A. Yes; it certainly does.

Q. After a boy graduates from Carlisle, what is your judgment with reference to the course he should take? Should he go back among his people and, by his example and influence, help lift them up, or should he keep away from them?—A. My idea is that he should continue; not go back to the reservation, unless absolutely necessary. A great many times it is impossible for them to continue; it is necessary for them to go back to the reservation. At times it is against the will of the boy or the girl to go, although they have to.

Q. From necessity?—A. Yes, sir.

Q. What is their influence on the reservation when they do go back? Are they pulled down to the level of the great body of the community, or do they lift the community up to their level?—A. I think they are beneficial. Of course, a certain percentage of them are pulled down by conditions, but a great majority hold their place and are beneficial.

Mr. BURCH. Well, why wouldn't you send them all back to regenerate, or at least to uplift, their brethren? Excuse me for interrupting.

Q. Well, his answer naturally would be that it would be good for the community, but bad for them. I think he was looking at it from the individual point of view. How about that, Mr. Warren?—A. Yes, sir.

Mr. GEORGE. Another question there, Mr. Warren: Do you think the influence of the Indian would be greater in going back if he had been trained in a school like Carlisle and not where Indians were entirely segregated—that is to say, suppose we had another school of the same standing, covering the same studies, and up to the same type, the same culture—supposing you went there, do you think you would learn faster or better than by going to Carlisle?

A. I think I would have advanced faster and become more accustomed to outside conditions on account of my connections with the white boys and girls.

Mr. GEORGE. Well, then, that raises this question: Supposing that a young man sent to Carlisle should be sent to other industrial schools over the country, not Indian schools, do you think the influence then would be greater or less than now where Indians are sent to the Indian school?

The WITNESS. I think it would be greater. When the Indian was put right among the white people, right down in college where it was necessary—where there are no other Indians—I don't know exactly that I got your question.

Mr. GEORGE. If they are associated with whites instead of Indians, would they learn more quickly than when they are in the midst of the Indians?

The WITNESS. Yes; that is, they would learn quicker. That has been demonstrated many times.

Mr. GEORGE. And the influence, then, in going back to the reservation would be better rather than worse?

The WITNESS. The influence would be better; the higher advanced and the more enlightened a person is when he gets among his people the greater his influence. If he went among his people as a full-fledged doctor or minister, his influence would be great; whereas if he comes back as a simple Haskell graduate, he has not the ability to do what he would like to do and what he could do if he were more capable.

Examined by Mr. BURCH:

Q. Your testimony, Mr. Warren, interests me very much. Your idea seems to be along the line substantially pursued by Mr. George as to having a communal arrangement of the necessary funds to develop each child as he comes on, according to the bent of his mind or his wishes. Do you ever, for instance, discover among your people artistic tendencies, tendencies as to fine arts, such as music, drawing, painting, etc.?—A. Yes, sir.

Q. Do you develop among them, or discover among them sometimes, a tendency to oratory, public speaking, literature, and so on?—A. Yes, sir.

Q. But at the same time, do you ever discover any tendency among them toward industrial lines, such as the trades? I don't mean as tradesmen, but I mean as mechanics and artisans. Do you discover that sometimes?—A. Yes, sir.

Q. Your idea, then, would be that in going out among the schools, being segregated, going as other children to a school of their own, here or in St. Paul or Chicago or elsewhere, among the whites, their progress would be more rapid? But would it be more rapid in what you would consider the book learning, or worldly wisdom affairs?—A. Both.

Q. Why would they get along any faster in mere book learning, what we call erudition or book learning, than if they were among other children?—A. Simply because in our universities or more advanced schools and colleges more stress is put upon the sciences and not book learning, while in Indian schools very little attention is paid to that kind of work.

Q. Now, that means the higher or more advanced step—that is, the higher education, as the chairman speaks of it. It does not mean that dividing point which the white boy reaches at the close of his high-school career, or before the eighth grade. Suppose, instead of taking them as they leave Carlisle, you take a boy as he leaves the eighth-grade grammar school, or further on graduates from a fourth year in the high school, when he is at the turning point of the ways he must turn and select a business line or a life as a mechanic or a farmer, or else he must go on to college and later to the university, possibly, and so on. Now, what I would like to get at is, not exactly the point that you speak of where the tendency is to higher education, or literature and science, or anything of that kind, but the point that is reached when, for instance, they leave Carlisle, as you did; the point of the turning of the ways when a man is going into life, going to educate himself, either get into active life immediately or push his way on to a higher education. Now, at that point, would you consider it better for a boy to have been associated in the high school and the grammar school, like the courses at Carlisle, or to have been among the high-school and grammar-school boys in white schools? Do I make myself clear?—A. Yes, sir.

Q. Please state, if you can.—A. Well, there isn't very much of a statement to make. I would consider that if the boy had attended high school, and, as you state, come in contact with the white children, he would naturally be more advanced when he had finished high school than when he had finished at Carlisle, more enlightened. The drawing together of the Indians and holding them in a body tends to keep them Indians. What we want is, we don't want them to be Indians; we want them to be like white people.

Q. Well, now, that opens a question that will be my final question, I think. Looking at it from the governmental point of view and the reservation point of view, with these young people who go off with these advantages of that kind of an education, that reaches up to the high school, is it better for the Indians who remain at home behind them that they should never come back, that they should go on out into the world, like a farmer from the farm into town, or better that they should go back and devote themselves to the uplifting of their brethren still remaining on the reservation? We must look both ways. That is, I am trying to look both ways.—A. Of course, in my statement I didn't mean to be understood that I wanted—that I would recommend that this be done generally in regard to Indian education. I wanted to be understood to make it

possible some time that those who want a higher education can have it—no compulsory education.

Q. The other class, would you just as soon they would return to help uplift?—A. It would be optional; but I also want to state that after a student finishes at Carlisle, if he would advance further and get a higher education, he would do more good in uplifting his people than one who would stop with a high-school education.

Q. In returning, then, he would do more good?—A. Yes; they go back to the reservation before they acquire sufficient knowledge.

Q. To inspire a good following, you mean?—A. Yes, sir.

Mr. GEORGE. That is separate from the question I asked, which was whether the Indian would get educated better for his fuller life, whether it be on the reservation or off, if he should go to an Indian school as such, or whether he should go to a white school as such. My question was this: Whether the segregation of the Indians, as in the Carlisle School, would be as good as scattering the Indians among the white schools, assuming the schools to be of the same standard, the same studies—whether the association with the whites would be good or bad for the future Indian life.

The WITNESS. It is the only solution—the mingling of the Indians with the whites.

Mr. BURCH. One more question that has occurred to me, in view of the harsh experiences of the Indians in the business world among the whites. What would you say about the chances of a boy of 20 going out, we will say, or 15 also, going out from the White Earth school into a purely white school; who would safeguard them? Would his chances be as good, morally and mentally, among the whites; in other words, would he be likely to take to the bad class of boys or would he be apt to take to the good class? What would be his chances among the white people?

The WITNESS. His chances would be good; there would be no difference. The same thing would apply to the Indian in that case as to those of the whites.

Mr. BEAULIEU. Mr. Warren, you are familiar with the act of 1889, the Nelson Act, are you not, to some extent?

The WITNESS. To some extent; yes, sir.

Mr. BEAULIEU. Do you know that it provides for an additional fund for the Chippewas of Minnesota?

The WITNESS. I never knew that; no, sir.

Mr. BEAULIEU. Well, it does, I will say. Was not the plan of the Indians, in the council mentioned where you were appointed one of the board, to give an unlimited number of boys the opportunity to obtain a higher education by competition. Was not that your understanding?

The WITNESS. That was talked of.

Mr. BEAULIEU. That was talked of in the council?

The WITNESS. Yes, sir.

Mr. BEAULIEU. Now, the object of the Indians was to pay for this education out of their school funds, under the Nelson Act?

The WITNESS. It was talked of, but I was not clear on that point as to the appropriation. I understood it was to come from the Chippewa fund, but I don't know which part of the Chippewa fund; it was not clear to me.

Mr. BEAULIEU. There are a good many boys here at Detroit attending school, are there not—several?

The WITNESS. There are some; yes, sir.

Mr. BEAULIEU. Is contact with the white people beneficial or objectionable?

The WITNESS. Yes, sir; it is beneficial.

LOUISE O. WARREN sworn, testified as follows:

Mr. GRAHAM. You are the wife of the Mr. Warren who has just testified?

The WITNESS. Yes, sir.

Mr. GRAHAM. Proceed, Mr. Beaulieu.

Examined by Mr. BEAULIEU:

Q. Mrs. Warren, you just heard Mr. Warren testify here, did you not?—A. Yes, sir.

Q. Now, he testified that the Indians were unwilling to return to their reservations after obtaining an education?—A. Unwilling to return?

Q. Yes; sometimes unwilling to return?—A. Well, I really don't know, I suppose some are.

Q. Now, do they receive any encouragement after they return to their reservations from the Government?—A. Well, I really can't say, Mr. Beaulieu. I have not lived there very much.

Q. Are they given employment?—A. Well, not since I have been there.

Mr. GRAHAM. You mean by the Government?

Mr. BEAULIEU. By the Government.

Mr. BURCH. On the reservation?

Q. How many, if any, Indians are employed on the reservation?—A. There are not many; very few, inferior positions which are held by Indians.

Q. If they were encouraged to get a good education by giving employment to them after they returned from the schools, would they not be more anxious to get an education?—A. Yes; I think so.

Q. Do you not think that it would be a good thing for the Indians generally to have their own people for school employees?—A. Yes; I think so.

Q. Why do you think it would be a good thing? I wish you would just make a statement.—A. I think they understand the Indians better, the Indian pupils.

Q. Did you ever try to get employment at White Earth?—A. Yes; I did.

Q. Are you a graduate from any school?—A. Yes, sir.

Q. Which school?—A. I graduated from Carlisle, and I took a normal course in Pennsylvania.

Mr. GRAHAM. In what school?

The WITNESS. Bloomsburg, Pa., State Normal School.

Q. Do you know whether they teach the full academic course at Carlisle?—A. No; not exactly; they don't go very high.

Q. How high do they go?—A. It would be equivalent to about second year of high school.

Q. And you say you took the normal course?—A. Yes, sir.

Q. Did you ever teach in this State?—A. Yes; I did, in this State.

Mrs. LIZZIE CHARETTE, sworn, testified as follows:
Mr. John Carl sworn as interpreter.

Examined by Mr. GRAHAM:

Q. What is your name?—A. Lizzie.
Q. Have you any other name?—A. Charette.
Q. Have you an Indian name?—A. No.
Q. Are you the wife of Antoine Charette?—A. Yes.
Q. Where do you live?—A. White Earth.
Q. Have you a family?—A. Yes.
Q. How many children?—A. Five.
Q. How old is your oldest child?—A. I think 24 years old.
Q. Have you an allotment?—A. Yes.
Q. Do you still own it?—A. No.
Q. Did you get two allotments?—A. No.
Q. Did you not get the original and additional allotments?—A. I got an original allotment.
Q. Why did you not get an additional allotment?—A. I was not removed from Fond du Lac Reservation, and therefore got only one allotment.
Q. What did you do with your other allotment?—A. I sold it.
Q. What did you get for it?—A. $700.
Q. Did you get all that money for it?—A. I got all of it.
Q. Have you any of it left?—A. No.
Q. Do you or your husband own any land now?—A. I don't think so.
Q. Did any of your children get allotments?—A. Two of them.
Q. Have they sold theirs?—A. The oldest one, I understand, sold it.
Q. What property have you and your husband got?—A. I don't know of any property.
Q. How do you make your living?—A. We work.
Q. At what?—A. He works at different places in the woods and at the sawmill.
INTERPRETER. She means her husband, I think.
Q. Do you earn any money by working?—A. Yes; I work and earn money by working. I do laundering.

Examined by Mr. BEAULIEU:

Q. Where are you working?—A. Any person that hires me to do work.
Q. Whom does your husband work for?—A. It is the man that owns the sawmill; the pine man; the man that saws.
Q. Do you know the name?—A. It must be the man that owns the sawmill at Frazee.
Q. Nichols, is it not?—A. Yes.
Q. Are there many Indians employed by that company?—A. They employ all the men that want to work.
Q. That is, all the Indians?—A. Yes.
Q. Do you not belong to the Lake Superior Bands?—A. I was at Fond du Lac.
Q. That is the reason you are only for the 80-acre allotment?—A. Yes, sir; I think that is the reason.

Q. Do you know whether the Indians at Fond du Lac are better off than the Indians at White Earth or not?—A. I wouldn't know as to that.

Q. Do you know anything about the White Earth Agency affairs?

Mr. GRAHAM. What part of it do you want to bring her attention to?

A. Yes; I did work there.

Q. Did you ever see any lumber hauled there?—A. Yes: I think one of Louzon's sons-in-law.

Q. Do you know his name?—A. Porter is his name.

Q What did he do with the lumber?—A. He hauled lumber there; I presume a sufficient amount to the ground that they wanted to use.

Q. Did he take any away from there?—A. I saw him once.

Q. Do you know how much he took away?—A. I can't say for sure the amount he took away; half I think.

Q. Half of what?—A. The lumber he had on his load. He took half of the load off and took the other half away.

Q. Where did he take it?—A. Down toward town.

Q. Did you get any information from any reliable source as to what had become of the lumber?—A. I just told my husband I wondered why he was taking it. I said he was unloading one half and taking the other half away.

Q. Why did you ask that?—A. I was simply astonished that he should be doing it.

Q. Was there anything further said about that matter?—A. The next day he came to me and asked me if he took the rest of the lumber away.

Mr. GRAHAM. Who came to her?

The INTERPRETER. That is what she said. [Interrogates witness.] My husband.

Q. What did you say?—A. No; he didn't bring it back.

Q. Was there anything further said about it by your husband?—A. No. sir; that is all.

Examined by Mr. DENNIS:

Q. Have you been working at the Old Folks Home at White Earth?—A. Yes, sir.

Q. How long?—A. About three years.

Q. Are there a great many people there in the winter time and a very few in the summer time?—A. There are a lot of them in the early part of the winter, but nearly all of them die before spring.

Q. When was that?—A. I don't know the exact year, but it will be on the records.

Q. Since you went to work there?—A. Yes, sir.

Q. Are they mostly mixed bloods or mostly full bloods who live at the Old Folks Home?—A. I think they are nearly all Indians.

Q. Is it the understanding at the home that they must be full bloods in order to live there?—A. I don't know as to that.

Q. Is it usually full in the winter time: that is, a capacity house?—A. Yes; there were a lot of them.

Q. And in the summer time they go away?—A. Yes; it is more pleasant for them to be out in different places in the summer time.

Q. Did you hear your husband testify yesterday?—A. Yes, sir.

Q. Were you with him when he got his money from the sale of his land?—A. I come with him.

Q. Do you owe a debt at Blanding-Norby & Co. with your husband?—A. Which land do you refer to now?

Q. The land that he sold to Fred Saunders.—A. I didn't contract any debt on account of that land. I contracted a debt on account of inherited land that I had belonging to my deceased son.

Q. But you owed the store bill; at least your husband did, the Blanding-Norby Co.?—A. I never got anything out of the store on credit.

Q. Did Blanding-Norby & Co. sue your husband for the store bill?—A. I don't know anything about that.

Q. Do you know that there was about $58 from the money that was due your husband from Fred Saunders that went to pay the Blanding-Norby store bill, upon which your husband was sued?—A. No; I don't know anything about that.

Q. Did you ever get any money from Fred Saunders?—A. He never gave me any money, but he promised that he would give me some.

Q. To whom did you sell your original allotment?—A. He is over there somewhere, a long ways, the man that bought my land.

Q. What is his name?—A. Something like Clothes.

Mr. LINNEN. Mrs. Charette, how many people have died at the Old Folks Home in the three years you have been there?

The WITNESS. The winter that I spoke of in particular there were six died at that time.

Mr. LINNEN. Did they die at the Old Folks Home?

The WITNESS. Yes, sir; they died at the Old Folks Home.

Mr. LINNEN. When was that?

The WITNESS. I don't know how many years ago.

Mr. LINNEN. Was it more than four years?

The WITNESS. It was the time that the little yellow-headed man was the Indian agent.

Mr. LINNEN. I ask the question because I have been informed that there has not been a death in the Old Folks Home in four years. That is all.

Examined by Mr. GRAHAM:

Q. How many inmates were there in the winter when those six died?—A. I don't think I could say the exact number, but there were a lot of them. The house was pretty nearly full.

Q. Well, about how many would that be?—A. I don't think I am able to say.

Q. But I want to get your idea of about how many the house will hold—10 or 20 or 30 or 50 or how many?—A. Possibly about 40.

Q. What did those people die of?—A. Some of them died of old age.

Q. Do you think any of these deaths were due to neglect or mismanagement of the home: the six who died that winter, I mean?—A. They were usually very sick at the time they brought them there. It seems that when they were very sick that was the place where they brought them.

Q. Was everything done for them that could reasonably be done? That is, were they well cared for?—A. They had a good deal of attention and care and the doctor made visits very frequently.

Q. How many years have you been familiar with the home?—A. Just at the time I worked there.

Q. How many years did you work there?—A. Almost three years.

Q. When was the last year that you worked there?—A. I can't say, because I am unable to read.

Q. Who was the agent the last year you worked there?—A. That little agent.

Q. Well, during the time you were there, did the old folks in the home have good care?—A. Yes; they had good care.

Mr. DENNIS. How much Indian blood do you think you have?

The WITNESS. I don't know.

Mr. GRAHAM. Some, certainly.

Mr. DENNIS. More Indian blood than white blood, or more white blood than Indian blood?

The WITNESS. Well, I have been placed as half-breed, half-and-half; half white and half Indian blood.

Mr. DENNIS. Do you think that is about correct?

The WITNESS. I don't think I am capable of testifying about that.

Mr. BURCH. That is wise.

GEORGE A. BERRY, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Tell the reporters your name, please.—A. George A. Berry.

Q. Have you any Indian name?—A. Yes, sir.

Q. What is it?—A. I have several Indian names.

Q. Well, what is one of them?—A. Gish-kah-ak-e-nin-nee.

Q. Where do you reside?—A. At White Earth.

Q. In the village?—A. At the agency, village; yes, sir.

Q. How long have you lived there?—A. About four years.

Q. On the reservation how long?—A. Twenty-three years.

Q. What degree of Indian blood have you?—A. I am a half.

Q. What is your present occupation?—A. Blacksmithing.

Q. You are a blacksmith by trade and practice your trade on the reservation?—A. Yes, sir.

Q. How long?—A. I commenced the trade in 1877, the 11th day of June.

Q. Your work is the usual work done by blacksmiths?—A. Yes, sir.

Q. Shoeing horses, sharpening plows, fixing wagons, and all that sort of thing?—A. Yes, sir.

Q. Is there more than one shop in the village?—A. No; not outside of the Government shop. The Government has a shop.

Q. The Government shop does no work outside for anybody else?—A. They have a blacksmith.

Q. Are you an allottee?—A. Yes, sir.

Q. Original and additional?—A. Both.

Q. Have you sold them?—A. Yes, sir.

Q. Do you own any real estate on the reservation now?—A. I have my little shop and residence. The residence there at White Earth.

Q. What did you do with your allotments?—A. Sold them.

Q. How long ago?—A. A year ago last May I sold my prairie claim, agricultural claim.

Q. You had one agricultural and one timber?—A. Yes, sir.

Q. When did you sell your timber claim?—A. In 1907, I think.

Mr. GEORGE. Was that your additional allotment?

The WITNESS. Yes, sir.

Q. What did it bring you?—A. We got $3,500 for it.

Q. What did the agricultural allotment bring you?—A. It brought me $35 an acre for 80 acres.

Q. Was it improved?—A. It had been plowed; no building on it.

Q. No fence?—A. No fence.

Q. Why did it bring so much as compared with the other agricultural allotments?—A. Well, I presume it was wanted. It was not due to anything else, any more than that the parties wanted it to go in with their 80 that they had, making a square quarter there.

Q. Is it in the village of White Earth?—A. No, sir.

Q. Was there anything in its location to give it additional value?—A. No; I never laid it to anything but that the parties had the other 80 and had a chance to get the two 80s together.

Q. Is that the highest price you know of being paid for agricultural land there?—A. Yes; that is, on the reservation.

Q. That is the highest, I think, we have heard of.—A. Yes.

Examined by Mr. BEAULIEU:

Q. Mr. Berry, what did you do with the funds that you received from the sale of your allotments?—A. Paid debts, and also constructed a blacksmith shop.

Q. How large is your blacksmith shop?—A. Well, it is 30 by 60.

Q. What is the value?—A. I have been offering it for $1,400. It cost me $2,800.

Q. Cost you $2,800?—A. Yes.

Q. Have you got a pretty good stock there; are you well equipped?—A. Fairly; very well; as well as any ordinary shop in the country.

Q. Now, you have a residence, have you not?—A. Yes, sir.

Q. How large is that residence?—A. The main part of it is 16 by 20, a story and a half high, and the "L" is 12 by 16, a story and a half high.

Q. How many rooms in that house?—A. Four or five.

Q. From what source did you get the funds to build it?—A. From selling my pine allotment.

Q. You have made no use of your farm then, but have always followed your trade?—A. Yes; I tried to farm when I got through the Government, but I had four failures of crop, one right after the other, and it drove me back to the shop again.

Q. Do you understand blacksmithing thoroughly?—A. Well, I have done nothing else since 1877, you may say.

Q. Who is the Government blacksmith up at White Earth Agency?—A. I don't know the gentleman's name. I have met him a time or two.

Q. Is he an Indian or a white man?—A. I should say he is a Swede.

Q. If you had an opportunity to work in the Government blacksmith shop, you would accept the position?—A. No, sir; no, sir.

Q. You would not?—A. No, sir.

Q. What is the reason?—A. I got tired of it. I got tired working for the Government. I worked for them for 20 years, and that is enough.

Q. Have you ever been to Washington?—A. Yes, sir.

Q. When were you there?—A. I was there last spring.

Q. Did you go on business or a pleasure trip?—A. On business.

Q. What was the nature of your business?—A. I tried to get legislation for the welfare of the Chippewa people of the State of Minnesota.

Q. What legislation did you try to get?—A. To get Congress to appropriate the back interest so we would have pay according to the treaty and stipulations.

Q. According to which treaty and stipulations?—A. The Nelson Act, commonly known as "The act for the relief and civilization of the Chippewa Indians of Minnesota."

Q. How much did you claim was due under that act, if any?—A. The interest; just the interest.

Q. Well, if you can, state the exact figures.—A. Oh, it was one million and some odd hundred thousand dollars of interest alone.

Q. Then, you were trying to get legislation to have Congress pay the interest that was due; is that a fact?—A. Yes, sir.

Q. And what success, if any, did you have?—A. Well, I didn't have any success.

Q. You didn't have any success?—A. No.

Q. Was there anything else that you were looking after?—A. Yes.

Q. What was it?—A. Trying to get legislation to have a law enacted in support of the school board that we elected at a council at White Earth.

Q. You wanted to get some legislation which would enable the board to act under some authority of law; is that it?—A. Yes, sir.

Q. Well, I wish you would explain just what the proposition was.—A. Well, sir, we in council there discussed the matter quite freely and quite at length, and finally we got up a resolution, and the resolution was put into motion and seconded and passed, to have a law to elect a school board of Indian members which would have power over all the Indians of the State of Minnesota—the schools, I mean, the Indian schools.

Q. Do you know whether that proposed law proposed to first submit the matter to the Minnesota Chippewas for their consent, before it would be enforced?

Mr. GRAHAM. Do you say that that law proposed that the matter should be first submitted to the Minnesota Indians to obtain their consent before it should be adopted by them?

Mr. BEAULIEU. Yes; that is what I mean.

The WITNESS. Well, I don't recall, Mr. Beaulieu, that that was discussed at the time that we were discussing the matter in council—that part of it.

Mr. GRAHAM. May I ask, Mr. Beaulieu, was such a bill introduced in Congress?

Mr. BEAULIEU. Well, I don't know.

Mr. GRAHAM. Was there, Mr. Berry, to your knowledge?

The WITNESS. Well, we asked some of our representatives to introduce such a bill, and we had very strong opposition.

Mr. GRAHAM. I have no recollection of such a bill. Do you know whether it was introduced?

The WITNESS. I don't say that it was introduced. We had very strong opposition. Mr. Miller and I had a great many conversations on the matter while I was there at Washington.

Q. Did you say strong opposition? From whom was the opposition?—A. Well, of course, Mr. Miller was representative there at this time and we went to him as being from this State and solicited his assistance to introduce this bill, and he said he could not, because it would be taking the power away from the Government. As the law was now, it was in the power of the Government to handle all Indian schools. Of course, I was well aware of that.

Mr. GRAHAM. Was it your thought, or the thought of those acting with you, that in this new board the management of the Indian schools would be taken away from the agents on the various reservations?

The WITNESS. Well, it would be to the point of self-support, and what we were after was that we should come to some point where we would be self-supporting; and I asked Mr. Miller at the time if it was not the Government's aim to educate and to civilize our Indians, to make them self-supporting. And he said it was; that that was their aim. Then I asked where we could commence, if we could not commence at some proposition whereby to manage our own business affairs.

Mr. GRAHAM. Pardon me for a short interruption. Mr. Berry, you say you were a half-breed?

The WITNESS. Yes, sir.

Mr. GRAHAM. Why is it that all Indians who appear before this committee, as it seems to me, some half-breeds, of whom you are one, act and talk and deal with questions with the grasp of a white man; whereas some others act and talk and have the point of view of an Indian? Is it because the person in one case takes after one parent and in the other case takes after the other parent, or what is the reason? Is it the training that makes the difference? As to your appearance, as to your grasp of things, as to your point of view, I can discover no difference between you and a white man. How can you account for it?

The WITNESS. I should think that would be from experience in mingling with the whites.

Mr. GRAHAM. Your experience, you think it is, makes the difference?

The WITNESS. Certainly. I have been among the whites since I was a little boy. I was 9 years old before I could talk English.

Mr. GRAHAM. Is there anything in the other theory, in your opinion, that in some instances the half-breed takes after the white father, inherits his traits, and in some other instances he takes after the Indian mother? What do you think of that?

The WITNESS. Well, of course, I think they inherit a proportion from father or mother, either one way or the other, some of them.

Mr. GRAHAM. But you are inclined to the other view, however, that it is because of your association with and your mingling with the white people and doing business on their lines?

The WITNESS. Yes, sir.

Mr. GRAHAM. Pardon me, Mr. Beaulieu. Go ahead.

Q. Do you know whether, in connection with that school bill, there was some proposition made to give Indian boys who wished to obtain a higher education competitive scholarships?—A. Yes, sir.

Q. I wish you would explain, to the best of your recollection, what the bill provided for.—A. Well, it provided that there would be $15,800 appropriated out of the school funds for the tuition and stationery and traveling expenses for 30 scholars who might wish to obtain a higher education.

Q. They were to get that by competitive examination?—A. Yes, sir.

Q. Those 30 scholars for how many bands?—A. Well, there is—State of Minnesota—the Chippewas of the State of Minnesota in general.

Mr. GRAHAM. That would include the White Earth and Red Lake, and what else?

The WITNESS. All the Chippewa Indians of the State of Minnesota.

Mr. GRAHAM. Numbering about how many?

The WITNESS. Somewhere about 10,200 I think is the roll.

Mr. GEORGE. Thirty scholarships for 10,000 population?

The WITNESS. Why, yes; they would have to have a regular race for these places.

Q. That is, this scholarship was to be divided among 10 reservations, was it not?—A. Yes.

Q. And what encouragement or discouragement did you receive?—A. Well, the main thing was that the representatives would not act on that special session, as they could get no legislation.

Q. But I mean, did you get any encouragement that they would favor that law?—A. Oh, yes; yes; they would help us. That is, they promised to take some of the bills that we had, to have them introduced, and would put them on the schedule for the next session.

Q. Wasn't that bill afterwards introduced?—A. Not that I know of.

Q. You don't know?—A. No; I don't know.

Q. Do you know whether Mr. Hammond had that bill, or some one else, for Minnesota?—A. Mr. Hammond was the man, I believe, that we left it with.

Q. Did you ever hear whether he introduced the bill?—A. No, sir.

Q. And what else did you go after, at Washington, in matters that you had to attend to?—A. Why, to get Congress to pass a bill whereby we could have a tribal attorney, or be recognized in the Court of Claims for our back dues.

Q. Did you accomplish anything——

Mr. GRAHAM. Just there a minute. What do you mean? What are those back dues you refer to?

The WITNESS. Well, we have some treaties that have never been fulfilled.

Mr. GRAHAM. Well, from what do those dues arise, under the treaties?

The WITNESS. For sales of land and different arrangements that our forefathers made that have not been fulfilled.

Mr. GRAHAM. Where was the land you speak of located?

The WITNESS. One is south of here in Otter Tail County, comprising about 700,000 acres, and our people only got $15,000 for it: and it was afterwards sold to the Menomonee Indians for $246,868, I think it was.

Mr. GRAHAM. And what is the status of these claims now? Are they pending anywhere?

The WITNESS. Not as yet. We just simply wanted to get that introduced so that we could get some reparation from them.

Mr. GEORGE. Who got the money at the sale to the Menomonees?

The WITNESS. Why, the Government, I suppose.

Mr. GEORGE. The United States Government?

The WITNESS. I suppose so.

Mr. GEORGE. Did they never turn the money over?

The WITNESS. Not that I know of.

Q. Didn't those claims also include forestry reserve?—A. Yes, sir.

Q. Under the Morris Act?—A. Yes, sir.

Q. How much was that claim?—A. I can not think of the exact amount.

Q. That also included Star Island, didn't it?—A. Yes, sir.

Q. Do you know the value of Star Island?—A. No, sir.

Mr. BURCH. Where is it?

Q. Cass Lake. Did it not also include the difference between the value of the timber which the Government received from the sale of Red Lake and White Earth ceded reservations——A. Yes, sir.

Q. And the actual value of the same as provided by the Nelson Act?—A. Yes, sir.

Q. Do you know how much they claim under that?—A. Well, all that I can understand is that we got from 60 cents to 75 cents a thousand, when we should have gotten $3 a thousand.

Q. Doesn't that claim also include the free homestead matter?—A. Yes, sir.

Q. Where free homesteads were given to settlers contrary to the agreement of 1889?—A. Yes, sir.

Q. Can you recall any other claim that you were sent down to look after?—A. The swamp lands and the school section on the reservation.

Q. You also presented that matter to Congress, did you not?—A. Yes, sir.

Q. The Indian Committee and also the departments?—A. To the Indian Department.

Q. You presented that to the Indian Committee of Congress, did you not?—A. Yes, sir.

Q. Who defrayed the expenses of that trip?—A. The citizens of the village, some of them.

Q. What village?—A. White Earth.

Q. Which citizens were those?—A. I think Mr. Gus Beaulieu was the principal one.

Q. And who paid the expenses to return to Minnesota?—A. Mr. Beaulieu telegraphed the money down there for us to come home on.

Q. Did the council authorize the money for the payment of these expenses, the council that selected you as a delegate?—A. Well, it was to have a bill introduced——

Q. Well, did it authorize the payment of your expenses?—A. Yes.

Q. And the expenses were never paid?—A. No.

Mr. GRAHAM. How many were there in the delegation?

The WITNESS. Three.

Q. Who were the members of that delegation?—A. Rev. C. H. Beaulieu, Jack Rabbit, and myself.

Q. How long were you in Washington?—A. We were there eight weeks.

Q. During which months?—A. Part of April and all during the month of May and part of June.

Q. Did you accomplish anything while you were at Washington?—A. All I could see is this committee.

Q. You are not sure that this committee came up for anything you did?—A. No; I was promised to have a congressional committee to come up. I also have a resolution of the chairman of the Committee on Indians Affairs in my pocket that he promised me to have a congressional investigation up here.

Q. And this was the chairman of the House Committee on Indian Affairs, was it not?—A. Yes, sir.

Mr. GRAHAM. Who was it at that time?

The WITNESS. Mr. J. H. Stephens, of Texas.

Q. Did you meet the chairman of this committee while you were at Washington?—A. Mr. Graham, here? Yes.

Q. Who introduced you?

Mr. GRAHAM. Was it not Mr. Stephens? I think it was.

The WITNESS. No; I had been at your office before we were there with Mr. Stephens.

Mr. GRAHAM. Well, wasn't the Rev. Beaulieu with you?

The WITNESS. Yes.

Mr. GRAHAM. I had met him before.

The WITNESS. Yes. We were in there before together. I was trying to think who it was. I have an idea it was Henderson that was with us that day that we dropped into your office.

Mr. GRAHAM. He was with you once, I know.

Q. These matters that you were down to attend to still remain unsettled?—A. Yes, sir.

Examined by Mr. BURCH:

Q. Was there any proposition included to relieve or recompense those Indians who were unable to procure additional allotments?—A. I don't just understand you.

Q. Among your proposals for legislation was there any looking to the recompense of those Indians who failed to receive additional allotments? You understand, don't you, that there are quite a large number of Indians who have not received additional allotments and can not get them?—A. Well, I understand that there were a number of so-called "newborns" that can not get any.

Q. No; not that thousand or more, but Indians, full-grown Indians, that qualified like all the rest of the Indians, but coming late, or for one reason or another failed to get any additional allotment.—A. No; I don't know.

Q. You don't know that there were such?—A. Well, no.

Q. Well, then, of course you had no such proposition. That was what I desired to ask.

Examined by Mr. DENNIS:

Q. Mr. Berry, did you ever hear of an Indian who made an application for an additional allotment that couldn't get one on the White Earth Reservation? That is, because of the fact that there was not land enough?—A. Yes, sir.

Q. To whom did you sell your land last May for $35 an acre?—A. To the Clover Land Co.

Q. Do you know who the officers of the Clover Land Co. are, or with whom did you do the business?—A. With Annanson; now dead. I believe.

Q. You did all your business with Mr. Annanson?—A. Yes; and Sanders.

Q. The Mr. Fred Sanders that we have heard about here?—A. I presume it is. I know of no other Fred Sanders.

Q. Did you get all of your money?—A. Oh, yes; I am satisfied.

Q. You got all that they agreed to pay you?—A. Yes.

CLEMENT H. BEAULIEU, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Your name is Clement H. Beaulieu?—A. Yes, sir.

Q. You live at White Earth?—A. At White Earth; yes, sir.

Q. And you are a clergyman of the Episcopal Church?—A. Yes, sir.

Q. How long have you been in orders in that church?—A. I have been in order since 1880—30 years.

Q. And located during that time where?—A. Most of the time in the southern part of Minnesota.

Q. Who determines where you are to serve as clergyman, your church government?—A. The church government; yes, sir.

Q. The synod determines that, does it?—A. No, sir; the cannons decide how a clergyman shall be appointed to his work.

Q. But the actual appointment is made by whom?—A. The actual appointment of the missionary is made by the bishop and the appoint of the rector of a parish is made by——

Q. Which are you, a missionary or a rector?—A. I have been part of the time a rector and part of the time a missionary.

Q. And now?—A. Now, I am retired.

Q. And have you no parish or congregation now?—A. No, sir.

Q. You are a brother of Gus H. Beaulieu—you are older than he?—A. Older than he.

Mr. GRAHAM. I think that develops all that I care for, Mr. Beaulieu.

Examined by Mr. GUS H. BEAULIEU:

Q. Do you know anything about the allotting under what is known as the Steenerson Act?—A. What do you mean by that? That is a general question. Do you mean in some general way or in some particular way?

Q. Do you know when it took place?—A. I don't recall how many years ago it took place—in the early nineties.

Q. In the early nineties?—A. I think 1900.

Q. Were you there?—A. I was there; yes, sir.

Q. I wish you would tell, in your own way, what took place.—A. I was rector of the parish at Waseca, in southern Minnesota, when I

received a notice from the agent—at that time it was Michelet—that the allotments, under the Steenerson Act, were to take place, and specifying, as I recall it now, the 24th of April. I don't recall the exact year. I came up a day or so previously and was here Easter Sunday and officiated for the rector or the missionary in charge for the afternoon, holding my day service. I came down to the village in the afternoon, and as I came down to the village I found a long line had formed before the agency office. The next morning I found the line had increased; that it extended practically down from the office to the warehouse, quite a distance, and I took a position at the bottom end of the line for a little while and finally came up to the head. There was quite a little agitation going on and I believe the proposition had been made that there would be a mixed blood and some person, who passed for a full blood, who was generally supposed to be a full blood, should be in another line—that the allotments should be made alternately. I don't recall just how that question was stated. Anyway, I didn't get into line after that, because I walked out to the lower part of the line and did not concern myself very much about it, because I saw I was way down among those of the latter end. I thought my time would come sooner or later for the allotments one way or another. I didn't get my allotment for quite a while, not the first nor second, nor probably the third day. I don't recall how many days were occupied in making the allotments, but anyway it was along towards the latter part and I wanted to go back to Waseca for my Sunday service and resume my work, and I spoke to my Brother Gus, whom you know, and mentioned it to Mr. Michelet, and he said he was willing, under those circumstances, that I should be allotted so I could go back to my work. In that way my allotment was made and I went back to Waseca. That is my experience with the allotment that day at that time.

Q. Have you disposed of your allotment?—A. Not directly. I placed my two tracts, my original allotment and my additional allotment—I did place them in trust for my daughter. They are in the hands of a trusteeship now so she can obtain the revenues from them. She is now living with my "people in law"—that is, I am a widower, and they are under control or supervision of her education and her general bringing up. In order to facilitate that work so that the income could be used for her I put it in that way into a trust in the hands of my sisters-in-law, maiden ladies.

Q. Have you been at White Earth within a few years past?—A. Yes, sir; my residence has been at White Earth for a few years past.

Q. When did you return to White Earth to live?—A. Two or three years ago, I believe, what you could call permanently returned.

Q. Were you there after the Clapp Act passed?—A. I came to White Earth after the Clapp Act passed; yes, sir.

Q. And were you around there and did you see any of the sales that took place there of allotments?—A. I came up to White Earth from Waseca in the year 1906. The absentees had all been informed in regard to their allotments—printed communications from the agency office—that they would have to get back on the reservation and take up their residence there in order to safeguard their allotments, otherwise they would lose them. I think that was under instructions from the Indian Office of the Interior Department on

the advice of the Assistant Attorney General of the Interior Department. We were to be there in September of 1906, so I was there at that time; subsequently, after my arrival there during September and October—I was around there in November—I saw the sales of the pine lands—that is, off and on; I would not bear witness that it was a regular thing, but I know that they were selling them.

Q. Did you act as interpreter at any time when they were selling the allotments?—A. Two or three times. I don't recall the exact number of times. I happened to drop into my brother's office, and negotiations were proceeding, and I acted as interpreter—that is, as I understood the nature of the transactions, that all the conditions of the timber deed were to be known to the person who had sold the timber. There was a form on the back of the deed for the interpreter to sign. He made affidavit that he was cognizant of the Indian language and the English language, and that he had interpreted faithfully the contents of the statement to that person who had disposed of the timber. On two or three occasions I acted in that way without remuneration, just because I happened to be there.

Q. Can you recall one instance when an Indian woman came in there to sell her pine timber—Mrs. Hanks?—A. I do.

Q. Do you recall what conversation took place?—A. As near as I can remember, she wished to make the sale of her timber. She said her father was a mixed blood, and she mentioned that he was related to two persons known by the name of Michelle and Pierre. I was sitting reading a paper and overheard that conversation, and I remarked casually that I knew this person, Michelle Pierre. My brother asked me if I was willing to make an affidavit to that effect, and I did so. That is the only affidavit I believe I have made in this connection.

Q. Did I not at that time state to the woman that I had much doubt that she was a mixed blood when she first came in, if you recollect?—A. I don't recollect that, because she was in when I came in.

Q. Oh, she was. Now, did you go to Washington last year?—A. Last year; yes, sir.

Q. I wish you would state for what purpose you went there.—A. We were authorized by the council, the general council it is generally considered, because the conditions for calling a council were all complied with—that is, the old tribal custom, perhaps modified by present ways, by notice written notice or publication, so it would be generally known all through the reservation that a council would be held, and men came from different parts of the reservation. There was a fair attendance; as you all know, large assemblages of that kind can be deemed representative even if the majority or a small portion of the majority are there. We always look upon a certain number as representative anyway, and I looked upon that council as representative, not only by the members but by the localities from which they came and also by the characters of the people who were attending that council. This council had in view certain propositions. There were several propositions; I can not recall them all. I will try to give what I can recall. One of them was to obtain the payment of the interest upon a certain amount of money that was lying in the United States Treasury under the direction of

the Interior Department. It was calculated it was in the neighborhood of $8,000,000.

I perhaps ought to explain that I have not preached in a long while, and my voice has dropped below a conversational tone.

Mr. GRAHAM. You are doing very well, go right along.

The WITNESS. I believe—referring to the $8,000,000, we made a computation at the rate of 5 per cent, which I think was the rate allowed by law, making the sum of $400,000. The people wanted that. That was one of the things that was the object of our mission. Then the people claimed a large quantity of land within the State which had been given to the State by the Federal Government, the swamp lands and school lands. We contended that the title to these lands rested with the Chippewa Indians of Minnesota, and the Federal Government had no right to dispose of those lands by grant to the State. We also contended that the forestry reserve, which was obtained under what is called the Morris Act, still belongs to the Indians, although I believe an act of Congress had been passed making the reserve, and Congress, I believe, subsequently pased an act for the payment of that land, so we looked at it in the light of a transaction without remuneration, and felt that we ought to have the land or, at least, the money for it. We wanted, if we could, to get Congress to pass an act making remuneration for the tract of land, which had been reserved as forestry reserve. We also, in connection with that, wanted to get a bill passed which would permit the Chippewas of Minnesota to go before the Court of Claims and sue the Government for this interest. We also wanted an act passed which would recognize the board which had been elected by that council to supervise the Indian schools, bearing upon the questions of teaching, the way the boarding school was conducted, food and clothing, payment of salaries of school employees, and that this board should receive compensation. These school inspectors or supervisors were to go from one reservation to another wherever there were Indian schools; their duties were broad, not confined to White Earth and Red Lake but anywhere in Minnesota. We also wanted a bill passed to permit higher education. The idea was that 30 young men should be selected by competition; that is, they would have to pass a competitive examination in order to avail themselves of what we might call scholarships. This higher education was something beyond the curriculum of Carlisle School, or even Haskel School, or any of the Indian schools devoted to Indian education purely. In other words, we would take them through a sort of preparatory high school or private school—anywhere where the young men could obtain a foundation for a collegiate or professional course; that is what I call higher education. The theory is not as it was generally discussed here a little while ago, that higher education might include just what the Indian schools could furnish. We meant something higher than that, the high schools, the normal schools, the collegiate education, because we do not call the grade schools higher education by any means; that is common education. It would stimulate ambition amongst the young men. The idea is simply carried here—perhaps it is misunderstood—that this higher education must be general, common to all young people. That is not the idea that we carried with us to Washington and for which we endeavored to obtain

legislation. It was somewhat limited—to 30. In other words, we wanted to provide 30 scholarships for ambitious young men, ambitious for professional lines for their education or their professions. I believe, after we got there, something was stated about a hospital. We were not authorized by this council proceeding to do anything about that; the question came up also and struck us favorably to build a tuberculosis hospital, located in proper environment where the climatic conditions were good.

Mr. GRAHAM. On the reservation?

The WITNESS. Whether on the reservation or otherwise, that would not matter. The main idea was to get good environment.

Mr. GEORGE. Do you mean by good environment good physical environment?

The WITNESS. Yes; good air; for instance, in the pine forests. Then we wished to renew the subject of the appointment of a commissioner. I don't recall whether that was embodied in the resolution or not. I don't believe it was. Anyhow, that was proposed.

We had several measures that we wished to put through. We called upon several of the Congressmen of our State and some of our projects were held under suspension; these gentlemen did not wish to commit themselves at once for or against. They wished to consider the questions. Amongst those that were discussed the most with them, at least those with whom I conversed, was that of the scholarship. I spoke about that to Congressman Hammond, because he was a man whom I was well acquainted with, a fellow townsman of mine. I had known him for 15 years or more. I asked his opinion about it and he favored it, spoke highly of it, thought it just the thing, saw no faults in it, favored it entirely. I spoke to him also about the commission and he asked me to explain conditions. He did not seem to know; of course, he did not know anything about matters in that way, and I told him what we proposed, and finally he came to the conclusion that it would be a good thing, and asked me, in the presence of Mr. Berry and Jack Rabbit, about what the expense of such a commission would be, and I put it at a fairly low figure, at least I thought it should not go over that, and he was liberal enough to say that he believed that some method could be devised to give them more time and better facilities in that way.

Mr. GRAHAM. What sum did you mention?

The WITNESS. I mentioned $15,000, and he thought $20,000 or $25,000 would not be too much.

Mr. GRAHAM. Did you present the plan in writing?

The WITNESS. No; just in conversation. I can say with confidence that Mr. Hammond favored the educational bill and was inclined to look favorably upon the appointment of the commission, and, as to other matters, the payment of the interest and going before the courts, he wished to consider those. I will say this much, that most of those gentlemen upon whom I called, told us that there was very little likelihood of any particular measures going through, because it was a short session, and no legislation of that kind, they believed, would be undertaken. They were occupied with their daily duties at that time, with the reciprocity question, and you know, gentlemen, that was quite prolonged.

Mr. GRAHAM. Still, many bills were introduced; although, as you state, no further action was taken on them.

The WITNESS. Yes, yes; I understand. They introduced the bills, but they would not give us any assurance that they would be taken up. In other words, they told us that even these bills that were introduced would not be acted upon until the coming session, so with this in view, we decided to return. We had held on, hoping against hope, and so it was fully eight weeks before we returned.

Q. There was a statement made here the other day that Gus Beaulieu had made certain applications to Senator Clapp for more information regarding fee patents—something to that effect; that he had made some charges against Mr. Long. Do you know anything about the matter?—A. Yes, sir; I do. I will state my knowledge. I think you refer to the statement Mr. Burch made, in which he said he was informed that Mrs. Graves, I believe is the name—that Gus Beaulieu had made application for a schedule or list——

Mr. BURCH. Had made charges to Senator Clapp?

The WITNESS. Well, to Clapp—it was charged that Gus Beaulieu made the application to Senator Clapp for a list.

Mr. BEAULIEU. No; made charges——

Mr. BURCH. No; Senator Clapp made applications to others, but upon the basis of charges or information, rather, by Gus Beaulieu. Mr. Beaulieu was stated to have made the charges to Senator Clapp, and Senator Clapp was induced thereby to make applications——

The WITNESS. Charges or requests.

Mr. BURCH. No; charges, charges "that Gus Beaulieu says that such and such things are being done, and Senator Clapp requested that certain things be done." That is the way the information came to me.

Mr. BEAULIEU. Senator Clapp requested that a list of fee patents——

Mr. BURCH. A list of fee patents?

The WITNESS. As I understand it, you made that charge yourself the other day.

Mr. BURCH. No.

Mr. GRAHAM. He made the statement as information coming to him from another.

The WITNESS. Yes, sir; well I will state just what I know about it. During the course of the summer—it was along in June—Mr. Beaulieu and some others had been notified—and Mr. Beaulieu wished for knowledge of a certain number of fee-simple patents which might have been issued or which probably were—which may—and he asked me if I could obtain them in some way. I went to Senator Clapp myself, I did. If Mrs. Graves told you that Mr. Beaulieu went and presented a charge, she uttered a falsehood. I went to Senator Clapp—I, sir. I asked him if he could obtain those. He was my Senator. I was one of his constituents, and I believed I had the right and privilege to go to a Member of Congress of this State, either Congressman or Senator, and ask information if I desired, or to his assistants. He could render it or not, of course, as he saw proper. Senator Clapp did not think he could get them himself from the Interior Department, but he suggested this: "I will," he said, "ask Senator Stevens and Congressman Graham—Mr. Stevens is chairman of the Indian Committee of the House, and would be able to obtain any papers he wished from the Interior Department, and I think Mr. Graham, as the chairman of the Com-

mittee Investigating the Interior Department, will also have the right to obtain such papers as those. I will go and see if I can secure the papers and the other things which you deem necessary in this matter." That was all the talk I had with Senator Clapp, because I left Washington the following day. I saw him about noon, and the following day I left Washington. I wish it distinctly understood that I—I was the one that went to Senator Clapp, I was.

Q. Well, that is all right. Now, did you hear anything about fee patents discussed there by anyone?—A. No; I heard nothing.

Q. You never heard that I had made charges against anyone for obtaining fee patents?—A. No; I never heard that you did.

Mr. BURCH. Mr. Beaulieu, did you mention the name of Mr. Long or Mr. Hinton to Senator Clapp?

The WITNESS. No, sir.

Mr. BURCH. Or Melrose or Holmes—E. G. Holmes?

The WITNESS. No, sir.

Mr. BURCH. Well, that is all, I guess.

The WITNESS. I will say to the chairman, to make it clear to you, that I asked in a general way for the information in regard to those patents. I mentioned no names. Do you understand it?

Mr. BURCH. I understand you perfectly. I only wanted to know whether you did or did not.

The WITNESS. I did not, sir.

Mr. BURCH. Well, that is all right.

Mr. DENNIS. You are acquainted with Rev. Charles Wright, Mr. Beaulieu?

The WITNESS. I am, sir.

Mr. DENNIS. Do you know whether he is considered among the Chippewa Indians of the White Earth Reservation as a chief?

The WITNESS. I don't think he is. If you will allow me I will make a statement regarding that much-abused title.

Mr. GRAHAM. Go ahead.

The WITNESS. In the olden times, for convenience of communication with the Indians, the Government recognized certain ones as chiefs, those whom the Indians of right recognized as leaders. This leadership was obtained, I suppose, originally through prowess in war or through some mental ability which made him a leader. The Government recognized those as leaders and whenever they made treaties—we called them treaties of course—these were the representatives of the people. They were called to Washington and entered into the agreements with the United States for the disposal of land or business of other character; that is what "chief" meant in those days. Since the Dawes Act, which provided for allotments in severalty. Cæsar was dethroned. The act of 1889, so far as the Chippewas were concerned, made that still more evident. So, for anyone to speak of a "chief" amongst the Chippewas of Minnesota simply is making use of a misnomer, employed simply as a matter of courtesy. Mr. Wright is not recognized as a chief. He is thought more of as a minister of the gospel.

Mr. GRAHAM. I beg your pardon. He stated there in substance that some time before his death his father, White Cloud, named him as his successor. Was White Cloud a chief in any other sense than in the way you have mentioned?

The WITNESS. Well, by courtesy; but after the act of 1889, after the allotment severalty bill was passed, he was chief by courtesy; that much deference was paid to him because he was an able man.

Mr. GRAHAM. Well, if the Rev. Mr. Wright's statement be correct, that his father had designated him as his successor, would that make him a chief by courtesy?

The WITNESS. Why, if his father made that statement, it might, if anyone wanted to pay him that courtesy; I don't think it would have much weight with me, but I will state a little further in that regard that I don't know whether his father ever made that statement. He might have done so, but I have heard that his father, upon his deathbed, made a sort of a will or deathbed expression of his desires and in that paper—call it a will or whatever you wish—he desired his son William Wright should be his successor and that paper, I understand, is still in existence and could be produced in this court.

Mr. GRAHAM. Where is it?

The WITNESS. It is up at White Earth, and if you want to see it, it could be produced; whether it is worth while or not I do not know.

Mr. GRAHAM. Personally, I don't think it is entitled to any value as evidence.

The WITNESS. I don't think it is myself.

Mr. GRAHAM. And from your knowledge of the Rev. Mr. Wright, when he testifies that his father made that statement, you would believe, wouldn't you, that he thinks his father did make such a statement?

The WITNESS. Yes, sir; I do.

Mr. GRAHAM. You would not deny the truth of his testimony?

The WITNESS. I would not deny the truth of his statement. I simply state to you as a qualification that it might have been done, at some time or another, but probably not on his deathbed, because, as I understand it, Mr. Wright was not present at his father's deathbed.

Mr. GRAHAM. Well, as a matter of Indian custom, if he had power to appoint his successor and he did make such an appointment, wouldn't that have exhausted his power and prevented him making a subsequent appointment while his first appointee still lived?

The WITNESS. No, sir. I don't think—that is a pretty fine distinction. I don't think it is.

Mr. GRAHAM. Well, I don't know, but really it does not matter much.

The WITNESS. No; I don't think the Indian would look so far as that—such fine distinctions. He probably at one time thought he would appoint Charles as his successor and he might have changed his mind and appointed his son William.

Mr. GRAHAM. Well, Mr. Beaulieu, the thing that would lead me to think you may be wrong in your conclusion is that if the chief, when this custom prevailed, could appoint one man as his successor and then a week or two later appoint another as his successor, and then a week or two later appoint the third, the necessary effect would be that when he died the tribe would be torn into factions beyond one's imagination to conceive of, and it would be bad policy and the tribe would soon find out that it must not be, and that he could make *only one choice* to prevent such factionism.

The WITNESS. Well, speaking as a matter of custom, I suppose it would be the custom to make a choice of that kind. It would be a sort of general recognition after the chief's death that his son would be his successor.

Mr. GRAHAM. And when he had made one choice he had lost the power of making another so long as the first choice lived, otherwise you see the tribe would be torn into factions.

The WITNESS. Well, permit me to say I don't know whether a choice was made prior to his death. He may have made a choice of one before and subsequently of another, so far as the custom would go, I should have said.

Mr. GRAHAM. Well, if "chief" really meant anything whatever, don't you think that these two brothers would have become the leaders of factions in the tribe, and the power of the tribe would be utterly destroyed by their contentions as to which was chief, so that common sense, it seems to me, would dictate that the chief could only exercise that power once and when he exercised his power once, his power in that regard should be exhausted?

The WITNESS. Common sense might say so, but I presume that history would say that such conditions have existed in times past. There were contentions as to who would be head chief of the people. I don't recall it, but I think it goes away back as to who should be head chief.

Mr. BEAULIEU. Is it not the custom among the Chippewas to designate their own chief?

The WITNESS. Whether it was customary?

Mr. BEAULIEU. Whether it was not customary?

The WITNESS. I don't know about that.

Mr. GRAHAM. The testimony is to the other effect.

Mr. BEAULIEU. Well, I know, as a matter of fact, that the custom was that the Indians themselves would select their chief regardless of whom the chief might name as his successor—that frequently happens.

The WITNESS. I don't know whether it was a custom or not.

Mr. GRAHAM. As the witness says, it is immaterial and not worth the time we are giving it.

Mr. GEORGE. It is an ancient matter, anyway, at best.

Mr. BEAULIEU. Will you explain the land which Mr. Johnston, the missionary up there, has in charge?

The WITNESS. Yes, sir. I can explain that.

Mr. GRAHAM. Is that the Rev. Jeremiah Johnston?

Mr. BEAULIEU. He was a witness here. Just explain that briefly.

The WITNESS. Some time in the early seventies, I think 1875, there was a special act of Congress which gave the mission at White Earth 80 acres of land, title to be in the general missionary board of New York. Bishop Morrison, of Duluth, recently secured title in the name of the diocese of Duluth. He wished to have that law amended so that the title could remain in the mission so long as they occupied it. Mr. Morrison's idea was to get clean title, so he secured some legislation on that point, and I believe that the legislature procured a larger amount, both at White Earth and at other points—I believe at Beaulieu. I don't know where else. Mr. Linnen seems to know just how much they have. He says 1,000 acres. I don't know.

Mr. LINNEN. About that; yes.

The WITNESS. I don't know just how much, but anyway all this was done before Mr. Johnston's time, and all this land was secured to the Episcopal Church before Mr. Johnston appeared upon the scene. There have been a few "squatters" you might say upon the mission grounds, as Mr. Johnston testified, who asked permission to erect a little residence, so as to be near the church. Bishop Morrison, of Duluth, is a man whom we call the general missionary, generally known as archdeacon. He instructed Mr. Johnston to collect a certain amount of rent. I can not recall the sum, although I saw the publication or an allusion to it in the Tomahawk personally. I wrote Mr. Parshall, I was in the southern part of the State at the time, and induced him to make conditions for these people as easy as possible, not to collect much rent, for that matter if the people were old to give them the rent free, make a donation of the rent in some way or other or to collect a small rent, and I presume that is the policy that Mr. Parshall adopted. He instructed the missionaries of these different locations, Mr. Johnston at White Earth and Mr. Kahared at Beaulieu, to act as agents for the diocese, being present as missionaries, to make these collections. They instructed them as to the amount to be collected, and that is all that these missionaries had to do with it. Mr. Johnston is not responsible for the land that the Episcopal Church owns, nor is he responsible for the manner in which the rents are collected, that is something coming under the orders of his superiors, that is all there is to it.

Mr. GEORGE. I would like to ask if any other denomination has a grant of land in the same way?

The WITNESS. Yes, sir; I believe the Catholic Church has.

Mr. GEORGE. The same amount?

The WITNESS. I believe the same amount. There was no distinction made.

Mr. GEORGE. Any other church, denomination?

The WITNESS. I don't know as to any other. There might have been a grant made to the Methodist Church. I guess that is the only one on the reservation. Perhaps that was before the Methodist Church began operations. I do know that the Episcopal and Roman Catholic Churches have grants of land.

Mr. GRAHAM. Thank you, Mr. Beaulieu, I think that is all.

Mrs. IDA M. TOBIN, sworn, testifies as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. Ida M. Tobin.

Q. Where do you live?—A. I live at White Earth.

Q. How long have you lived at White Earth?—A. Well, I lived there until I was grown, except when I was away during my married life.

Q. Were you born on the reservation?—A. No, sir; I was born at Little Falls, Minn.

Q. Is your husband engaged in any busines there?—A. No, sir.

Q. Have you any Indian blood?—A. Yes.

Q. Are you an allottee?—A. Yes.

Examined by Mr. BEAULIEU:

Q. Mrs. Tobin, are you related to the Warren family?—A. Yes, sir.

Q. Are you related to E. J. Warren?—A. I am his sister.

Q. Where you ever employed in the Government service?—A. Yes, sir.

Q. Well, I will ask you first, are you a graduate of any school?—A. I graduated at Carlisle.

Q. And have you been employed in the Government service?—A. Yes.

Q. Where have you been employed?—A. Why, my first appointment after I left Carlisle was at Flandreau, S. Dak.

Q. Have you been employed at White Earth at any time?—A. Yes; I was temporarily employed there.

Q. When was your last employment in the Government service?—A. I was temporarily employed at Bena, Minn.

Q. How long ago?—A. That was up until last spring—sometime in March, the 1st of March.

Q. Prior to that time were you employed anywhere in the Chippewa country?—A. Yes; at White Earth.

Q. When was that?—A. Well, it is about a year ago.

Q. Did you resign your position there?—A. No, sir; not the last one.

Q. How did you happen to leave the position at White Earth?—A. I was a substitute as seamstress; a regular seamstress was appointed, and there was a vacancy as boys' matron, and I was appointed to fill that position.

Q. How long did you hold the position as matron?—A. A little over a month, I think; I am not sure; I think it was a little over a month.

Q. And then what was done in regard to that position?—A. Well, the position, I think, was abandoned, or dropped.

Q. And then you were let out of the service on account of its being suspended or dropped?—A. Yes; it was suspended.

Q. And was it reinstated afterwards?—A. I think it was; yes, sir.

Q. How soon after you left the service?—A. Well, I think soon after school began.

Q. How long was that after it had been suspended?—A. I was told about the suspension, and left there about the 6th of August.

Q. And when was the position reinstated?—A. I don't know exactly, but presume soon after school began, because they would have to have another matron.

Q. What time did school begin?—A. About the first part of September.

Q. Was there any matron appointed then in the position you had held?—A No, sir; she was—I understand that she was the laundress; that she was put into this position.

Q. Did you try to get a reinstatement?—A. Not at that time.

Q. Did you ever try afterwards?—A. Well, a few months afterwards I heard that there was a vacancy in the teachers' department, and I asked for that position, but I was told that it was already—that some arrangements were already made to reappoint some one else.

Q. Do you know whether your position was filled afterwards?—A. I believe so.

Q. By a member of the tribe?—A. No, sir; not from White Earth, *that I know of.*

Q. To whom did you make application for the position?—A. To Maj. Howard.

Q. To Maj. Howard?—A. Yes.

Q. And he told you somebody else had been appointed?—A. Yes; he told me that I was too late, or at least Mr. Eggers told me. Maj. Howard didn't tell me anything.

Q. Has there been any vacancy since then in the school?—A. No; I haven't paid any attention; I don't know.

Q. You have never since made application for any position?—A. Not at the school at White Earth.

Q. Are you on the civil service list?—A. Yes.

Q. And have you been able to obtain any employment on the White Earth Reservation?—A. No; I haven't asked for any on the reservation. I was notified from Washington lately that I could have a position as teacher at Cass Lake, but I didn't accept it.

Q. Was there any reason why you didn't accept the Cass Lake teachership, or didn't you want a Government position?—A. Yes; I wanted a position, but I didn't want to go to Cass Lake.

Q. You wanted a position at your home?—A. Why, not particularly at my home, but some larger school, larger than Cass Lake.

Q. Are not all the salaries for positions in the schools in the Indian country in Minnesota paid from the Chippewa tribal funds?—A. As I understand it; yes.

Examined by Mr. BURCH:

Q. When you made the application, Mrs. Tobin, for the position as matron, was it that one you didn't get?—A. No, sir; it was teacher.

Q. Well, there was a time when you were matron and the position was abolished, or something of that kind?—A. Yes; all temporary employees were suspended.

Q. During vacation?—A. Yes.

Q. And you had been temporary matron?—A. Yes, sir.

Q. Are you aware of the regulations or law involving civil service, which allows temporary employees only to be employed 90 days?—A. No, sir; I didn't.

Q. Well, you were not at that time under the civil service for that position, were you?—A. No; not for that position.

Q. Now, later, when you applied for the position as teacher, were you not under the civil service?—A. No; not at that time. While I had not been reinstated, I was under the civil service.

Q. That is what I mean. You have been under the civil service, but you were out and had not been reinstated?—A. Yes, sir.

Q. And at the time you applied you simply were not then eligible for the position?—A. Yes, sir.

Q. But you did afterwards become eligible and you are now?—A. Yes, sir.

Q. And has not Maj. Howard been instrumental in soliciting and having you offered two different positions as teacher?—A. Yes, sir; he recommended me when I asked for reinstatement.

Q. Then, you attach no blame to Maj. Howard for your not securing this position at that time, under the circumstances?—A. No, sir; not under the circumstances.

Mr. BURCH. Mr. Chairman, this raises a question, and if you will allow me a moment I will make a suggestion: We are confronted

with the same idea in the office over here under the charge of Mr. Hinton, who represents the Interior Department in our office. In our office over here we have been threatened—we have three Indian maidens, in fact, I think, four; three not of the civil service, Miss Wright, Miss Sullivan, and Miss Lacy, at a very moderate compensation; very low, I may say—we have been threatened by the civil service at Washington to have these Indians maidens discharged and civil-service employees—that is, persons under the civil service—sent up here in their place, and it is only by vigorous protest and, I may almost say, by quick action that we avoided the discharge of these Indian maidens, invaluable to us for their services on account of being interpreters without extra expense and their general association and friendliness with their fellow people on the White Earth Reservation; and I sympathize with Mr. Beaulieu, if he seeks to make that a point, and Miss Warren and the rest of these, and I desire to challenge the attention of the committee to this condition of affairs, because I am a firm believer in the idea that under some circumstanes this civil-service business is run into the ground; it is made to work a decided injustice, and this is a fair illustration of it. This very witness here and her sister-in-law and the other three young ladies, etc., and I agree with Mr. Beaulieu in regard to that, if he makes a complaint about it.

Mr. GRAHAM. Mr. Beaulieu, do you wish to make a statement in that connection?

Mr. BEAULIEU. I just want to make a few remarks. The object of introducing this evidence here was to show that the laws were not being complied with with regard to employing Indians wherever they are competent to fill the positions. There are several Government contracts, treaties, or stipulations, and, I believe, departmental rules to provide that Indians, whenever found competent, shall be given the preference regarding the positions in the Indian Service, and the only object we had in showing by Mrs. Tobin's evidence, and some of the others, was that these Indians were not employed, although competent to be employed. In addition to that, it is the tribal Chippewa funds of the Indians of Minnesota that are being used for the salaries; and when we signed these treatites—now, I use the word "we" again, representing the Chippewas of Minnesota, because I never signed the treaty—I say, when we signed a treaty it was distinctly understood that the Chippewas of Minnesota who were competent should be given preference in positions, and if there were positions which they could not fill, then they would hire outside assistants. That is all I wish to say.

Mr. GRAHAM. I suppose, though, Mr. Beaulieu, as a matter of law, that the civil-service law, having gone into operation since the treaties and laws of which you speak, they would be modified by it, if the civil service insisted upon its application in these cases?

Mr. BEAULIEU. These are the treaties and the laws [handing paper to chairman].

Mr. BURCH. Mr. Chairman, if we had a little legislation to the effect that in cases of the Indians on their own reservation the civil-service law might be suspended, it might be a very healthy and sensible thing.

Mr. GRAHAM. Mr. Beaulieu, I suppose you have no objection to these citations going into the record in connection with your remarks?

Mr. BEAULIEU. No, sir; they were handed to me by some members of the tribe.

The paper introduced in connection with Mr. Beaulieu's remarks is as follows:

[Feb. 18, 1912—by Beaulieu—statement.]

TREATIES AND LAWS PROVIDING PREFERENCE FOR INDIANS AS EMPLOYEES.

Treaty of August 7, 1848 (9 Stat., 904), p. 567, vol. 2, Kapler.
Treaty of May 7, 1864 (art. 11), 13 Stat., 693, vol. 2, Kapler.
Acts of Forty-ninth Congress, second session, 1887 (Feb. 8, 1887, 24 Stat., 388; R. S., 2069; 1877, Mar. 3, ch. 101, ante p. 27; 1880, May 11, ch. 85, ante, p. 28).
Act of June 27, 1902 (Morris bill) 32 Stat., 400, p. 756, vol. 2, Kapler.
Act of March 3, 1875, section 5 (18 Stat., 420).
Act of March 1, 1883, section 6 (22 Stat., 451).
Act of February 8, 1887, section 5 (24 Stat., 388).
Section 2069 United States Statutes.
Section 2072 United States Statutes.

[From Regulations of Indian Office, 1894, of Blue Book.]

Agent must abide by these rules.

Section 215. The law requires that Indians shall be employed in every position. * * * Where Indians are found competent the agent must recommend them for such positions.

Section 216. No account for payment of white laborers at any agency will be allowed unless it shall be made to appear clearly that Indians competent to do the work could not be had. (Cir. 89, Indian Office.)

Section 564. * * * No work must be given white employee which can be done by Indians, etc.

Executive Document No. 247, Fifty-first Congress, first session, pages 115–118.

ARCHIBALD LIBBY, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Where do you live?—A. I live at the White Earth Agency.

Q. Have you lived there all your life?—A. No.

Q. Where were you born?—A. I was born in Aitkin County.

Q. You are quite a young man; are you of age?—A. Yes, sir.

Q. How old are you?—A. Twenty-seven.

Q. What is your present occupation?—A. My occupation is a printer.

Q. Where are you working?—A. It was a trade I learned at school.

Q. Are you now working as a printer?—A. Yes.

Q. Where?—A. On the Tomahawk.

Q. How long have you been employed there?—A. For the last six months.

Q. Setting type?—A. Doing job work.

Q. Where were you educated?—A. At Carlisle.

Q. What age were you when you left Carlisle?—A. About 21.

Q. Are you an allottee on the reservation?—A. Yes, sir.

Q. Did you get an original and additional allotment?—A. Yes, sir.

Q. Have you got them yet?—A. No, sir.

Q. Have you either of them?—A. No, sir.

Q. Have you anything to show for them?—A. Well, in a way I have.

Q. What?—A. I got married shortly after that.

Q. You think that was the result of your ownership of the allotments? That is the best bargain I have heard of up there.—A. Well, that started me out at housekeeping.

Q. Very good; that was a wise step. Do you own any property now?—A. My wife does.

Q. What did you get for your allotment?—A. I got $10 an acre for it.

Q. $800 for the allotment?—A. Yes.

Q. What were they, agricultural or pine?—A. Both agricultural.

Q. How long since you sold them?—A. About two years.

Q. Since you came back from school?—A. Yes, sir.

Q. Do you own a home?—A. Yes, sir.

Q. It is your wife's property, is it? Do you own the home you live in at White Earth?—A. It is in my wife's name.

Examined by Mr. BEAULIEU:

Q. Are you a temperance man?—A. I am.

Q. Do you provide for your family reasonably well?—A. I think I always have.

Q. You are a member of the school board, are you not, that was selected by the Indians in the council up there?—A. Yes, sir.

Q. I wish you would tell what the object of that board is, just as briefly as you can.—A. The object of that board, at the time it was appointed, was to look after the schools.

Mr. GRAHAM. May I suggest a way to shorten this, Mr. Beaulieu?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Did you hear Mr. Warren and Mr. Clarence Beaulieu testify?

The WITNESS. Yes, sir.

Mr. GRAHAM. Do you agree with them as to what the objects of this board are?

The WITNESS. Well, along the same line; yes, I do.

Mr. GRAHAM. If you have anything to add to what they testified, tell it. If you agree with them there really is not much use in telling it three times.

The WITNESS. Well, there is one thing I wish to say. I think the management of the schools should be taken away from the control of the agent, and that they should be managed in cooperation with the State course of education, and that civil service employees should not be employed where Chippewa funds were being expended; that teachers should pass the State grade examination in order to comply with the rules that this school board would intend to enforce.

Q. Were you ever, during the sale of lands under the Clapp Act, upon the reservation?—A. In 1905 and 1906 I was there—or 1905 was the only time, that summer.

Q. Do you know anything about the manner in which they sold their lands?—A. Well, they sold some of them and got good prices. A majority of them got good prices—if that answers your question.

Q. Did they make good use of their money, any of them?—A. Quite a few of them made good use of their money.

Q. And a good many squandered it?—A. A good many squandered it.

Mr. BEAULIEU. I guess that is all.

Mr. GRAHAM. That is all, Mr. Libby; we are much obliged to you.

Adjourned until Friday morning, February 16, 1912.

×

WHITE EARTH RESERVATION

No. 28

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 16, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

FRIDAY, FEBRUARY 16, 1912.

MORNING SESSION.

Mr. BURCH. Mr. Chairman, in the interest of fairness to all parties concerned, I desire to say that we have here a very important witness, Mr. J. W. Farr, formerly chief logger of the Indian Bureau. He informs me that circumstances are such that he intends going to Washington this coming week, and that if it is desirable he can testify here or go back to Minneapolis. I bring this up for such action as may be taken by all parties interested. Mr. Farr is willing to go on the stand here or return to Minneapolis.

Mr. GRAHAM. The committee knew that Mr. Farr was here, and in a general way knows that the information he has is of material value, but since it is not necessary we prefer to go on with the witnesses that Mr. Beaulieu wishes to call, without breaking that connection, and if Mr. Farr can wait, we would very much prefer that he would do so, and possibly testify before us at Minneapolis. We would be willing to fix that to suit the convenience of the majority of those interested.

Mr. BEAULIEU. As far as we are concerned, I don't think we will be represented at Minneapolis. I don't think we will, unless Mr. Carl goes there.

Mr. GRAHAM. You mean that after the hearings here are over you will not go back to Minneapolis?

Mr. BEAULIEU. I will not go back to Minneapolis. I can not say whether Mr. Carl will go back or not.

Mr. GRAHAM. I presume, Mr. Beaulieu, that you know much better than the committee does the line of testimony that Mr. Farr will probably be able to give—that is, you know the facts with which he is or ought to be familiar—and the committee would like very much to have you present when he testifies, because we want to know everything that he knows and we feel that you can help us get it.

Mr. BEAULIEU. Yes, sir: I have no doubt that I can bring out more facts from Mr. Farr than anyone else could bring out, because I know a great many things that took place while he was superintendent of logging, and also since he has left the Indian Service, and for that reason I presume it would be a good thing for me to be present, but I can not afford to go to Minneapolis.

Mr. GRAHAM. Mr. Farr will be here during the day, will he?

Mr. BURCH. Oh, yes.

Mr. GRAHAM. Well, supposing we do not decide this definitely. Give us all a little time to talk it over. I think we can reconcile it to all the necessities.

Mr. BURCH. I hope so, surely. I could announce what Mr. Farr's testimony will cover, but it is not necessary at this time.

Mr. BEAULIEU. I think we would rather hear Mr. Farr himself, as to what his testimony will be.

Mr. BURCH. I certainly should.

Mr. GRAHAM. We will leave the matter open at present, and during the day we will consult the convenience of all and decide what to do.

JOHN W. CARL recalled.

Examined by Mr. BEAULIEU:

Q. Mr. Carl, just proceed from where you left off. You know more about it than I do.—A. I last stated that when Mr. Charles Wright failed to get the allotment he selected he said that he wouldn't take any allotment. I saw Mr. Wright and had a little talk with him, and I said, "How do you feel about it? What are you going to do?" And he replied that he was going to go back to Cass Lake and later he would be heard from. In the meantime—that is, after that—I heard that some one had a long letter from Charles Wright, saying that he had made a report to the Interior Department and that an inspector was promised to make an investigation of the allotment. For some business I came to White Earth and on my return, along in April, I think, or May—I don't remember the date, but I remember the circumstances—while I was waiting for the train at Ogema, I saw a man with gray hair and gray whiskers and mustache, I think he had. He kept walking up and down and finally he asked me where I was going, and I said, "I am on my way home to Mahnomen; I live there. I just came over to White Earth." He introduced himself to me and said, "I am a Government inspector, sent up here to make an inspection of the allotments." He said, "I will go to White Earth and look over the matter and see what I can find out, and then I will call a council." After telling him of my position; that is, my knowledge and experience of what had been going on there for years, he said: "I would like to have you go down to the council and assist me." I consented to do it and a few days afterwards he wrote me a letter at White Earth, asking me to come down, and I interpreted for him the first day of his council.

Mr. BURCH. Who was he?

The WITNESS. His name was Downs. I don't remember his first name. And he held a council there with the Indians for a part of a day, and adjourned, saying that he would have other councils with them, but as a matter of fact he had no other councils with them at that place. I heard that he had talked with the Indians in other places, but not in a council. And he went away without holding a general council again. A short time afterwards I heard that the order had come for the inspection of those allotments as made by Simon Michelet. Well, I thought the allotments would be made some time anyhow, so I paid no attention to it until I saw a notice in the Minneapolis papers, I think, that Maj. McLaughlin, a well known Indian inspector and also a man who had a wide reputation as a fair man, was coming to White Earth. I had never met Maj. McLaughlin before, but I had heard a great deal about him, espe-

cially regarding the Indian treaties. It seems as though whenever the Government found any difficulty in making a treaty with any tribe of Indians, Maj. McLaughlin was the man sent to make this treaty with them, and where any adjustment was called for he was the man that was sent. I heard the Indians talk about this matter and they said they were glad to have this Maj. McLaughlin come there to make the investigation. The majority of the Indians were in favor of retaining the allotments, as they were made by Maj. Michelet, and for that reason they thought if Maj. McLaughlin heard both sides of this question they would be allowed—that is, he would make a recommendation for the allotments to remain as they were. Well, Maj. McLaughlin did come, and the first I knew of his being at White Earth was a posted notice which I saw at Mahnomen, stating that a council would be held by him and stating the reason for the council, and it was to the effect that the Indians should take a vote whether the allotments should be allowed to stand as they were or canceled.

Mr. Manypenny, the Episcopal minister, who spoke the Indian language and the English language very well, was selected as an interpreter for that council; but during the day Mr. Manypenny came to me and asked me if I would not take his place, as he felt that he could not fill the place, and asked me if I wouldn't assist him. I told him if Maj. McLaughlin was willing that I should that I would. And I interpreted from the Indian to English and he interpreted the English to Indian, and I think we kept that up that day, and the next two days I interpreted both ways.

At the beginning of the council, after Maj. McLaughlin had stated why he came there and read his instructions from the Department of the Interior, Mr. Charles Wright got up and started to make a speech, and the substance of his speech was that he wanted to have the wishes of his father put into execution by that treaty and by these men. That his father wanted him to be the chief of the Chippewa Indians; that is, he wanted him to take his place as a chief. Maj. McLaughlin, in a very polite way, told Mr. Wright that it was not his purpose there to establish the chieftainship; that he was there simply to ascertain the wishes of the people regarding these allotments, and Mr. Wright then sat down, after he understood it, and the council went on.

Mr. Pin-de-ge-ge-shig, the gentleman I spoke of as having gone with me and asking me to go with him to the agent the other day, was the principal speaker, and after the arguments for three days and a half Maj. McLaughlin said he would take a vote upon the question. I think there were 150 voted—something like that—and I think out of the 150 only 19 persons voted in favor of the cancellation of the allotments.

Mr. GRAHAM. In favor of refusing the proposition?

The WITNESS. Yes. And the balance of them voted in favor of having the allotments stand as they were. So Maj. McLaughlin, I think, conducted that examination, or inspection, or investigation to the best of his ability, and I could not see why he should have made any other recommendation than he did when he made the recommendation that these allotments should be approved as they were allotted by Maj. Michelet.

What took place after that I do not know, except as I read it in the newspapers regarding the wirepulling between the Indians upon White Earth and the National Congress, as has been intimated at this hearing. I knew nothing about it. I took no part in it at all, except as I stated the other day, that I wrote to Mr. Steenerson, our Congressman, stating to him why we should be given a chance to own our land and attend to our own affairs.

Examined by Mr. DENNIS:

Q. Mr. Carl, you referred to the act of 1889 containing a provision for the allotment of lands on White Earth to the Indians. Do you know the amount each Indian was to receive under that act?—A. They were to receive 160 acres.

Q. Did they receive 160 acres?—A. They only received half of that—80 acres.

Q. The other 80 was never given to them until after the passage of the Steenerson bill in 1904?—A. No; the other half was never given them until after that time.

Q. You referred to an Indian by the name of Tobinaice, who represented to you that he was a mixed blood and desired you to sign an affidavit to that effect. Do you know whether he considers himself a mixed blood or a full blood?—A. Well, looking over the Hinton list I see he is on as a full blood.

Q. Do you know whether there is a suit pending on his allotment or not?—A. I think there is, because he told me he was going to get his land back.

Q. Then he must also be on the Linnen list as well as on the Hinton roll?—A. I have never seen the Linnen list.

Q. Have you sold some lands on the reservation, Mr. Carl, that you owned yourself?—A. Yes.

Q. Or any in which you are interested?—A. Yes.

Q. A large tract?—A. Yes, sir.

Q. And for how much money?—A. I got $12.40 an acre right through.

Q. How many acres?—A. Something like 2,200 acres.

Q. That would be a little over four solid sections?—A. Yes, sir.

Q. What was the quality of that land?—A. Well, some of it was very good and some of it was very poor. In the eastern part of the reservation I know of one piece there of 480 acres which is hilly and sandy, and in the northern part—that is the jack-pine country and the trees are not big enough to be of any use except for wood.

Q. That land was purchased by you from allottees?—A. Yes, sir.

Q. And you consider now that you got approximately what the land is worth in a body, or was it sold cheaply?—A. It was sold cheaper than I would like to have sold it.

Q. You thought it was worth more than that?—A. Yes; I had some good improvements on some of the land.

Q. What was the reason for the selling of it cheaply?—A. Well, there wouldn't be anybody buying land here on the reservation after the reports have been sent out that the Indians had been robbed of their lands to the amount of $5,000,000, and people were afraid to buy the land, and I couldn't afford to hold that amount of land, because I had to pay too much money. I couldn't afford to have money standing out like that, and I sold it at a sacrifice.

Q. Then, if I understand your position, on account of reports and conditions on the reservation you were squeezed so you had to sell that land?—A. Yes.

Q. At a sacrifice?—A. Yes.

Q. Have conditions on the reservation improved any or grown worse as to the selling of land?—A. Well, I don't know whether they have improved any, but I think people are beginning to understand the reasons why these reports were sent out, and we have buyers coming up there every now and then and paying good prices for the lands.

Q. Actual settlers?—A. Actual settlers; yes.

Q. You are acquainted with the Chippewa commissioner, Mr. D. S. Hall?—A. Very well acquainted with him; yes.

Q. Do you know what his reputation has been up on the reservation all the years he has been employed by the Government as among the Indians?—A. Yes.

Q. What would you say his reputation is?—A. His reputation has been that he is a friend of the Indians.

Q. That is all.

Mr. BEAULIEU. May I at this time read into the record the testimony of an Indian that he was paid $1.50 a day as a witness with Mr. Linnen and Mr. Moorhead? I will show it to you [handing paper to chairman].

Examined by Mr. LINNEN:

Q. Mr. Carl, you say you sold 2,200 acres of reservation land at one time?—A. Yes, sir.

Q. Was it your land?—A. That was my land; yes, sir.

Q. From whom did you obtain it?—A. I obtained this from adult mixed bloods, Indians belonging upon the White Earth Reservation.

Q. What did you pay for it?—A. I paid as high as $20 an acre for it, and I paid $200 for one 80-acre tract. That is the cheapest I bought land.

Q. Was this some of the land you bought from pupils at the schools of Carlisle, Haskell, Flandreau, Pipestone, and other places?—A. I have never bought any land from Pipestone.

Q. The other towns, then?—A. Yes; that is it.

Q. Has it not been your practice to go to these various Indian schools where pupils were attending from the White Earth Reservation and obtain deeds from them to their lands on the reservation?—A. It has not been my practice, but I have done so to some extent.

Q. And you have done so at Carlisle and at Haskell and at Flandreau?—A. I was at Carlisle recently and got some papers signed to straighten out a title—recently.

Q. Did you succeed?—A. Yes; I did.

Q. Did you get them signed?—A. Yes, sir.

Q. Did you get two certain deeds signed that you sent there just recently?—A. No; they were returned to me unsigned.

Q. What was stated as the reason?—A. Well, Mr. Friedman stated to the man that I sent the papers to that if I wanted these papers signed they must be sent through the superintendent's office. I intend to send these papers on later and get them signed if I can.

Mr. GRAHAM. Who is Mr. Friedman?

The WITNESS. Superintendent of the Carlisle Indian School.

Q. Have you not been ordered to keep away from the schools and grounds at the Haskell Institute by the superintendent and not bother those pupils in trying to secure title to their land?—A. If an order of that kind has been issued, it has not reached me yet, Mr. Linnen.

Q. Do you claim that the Chippewa Tribe of Indians are indebted to you in any manner for the passage of any legislation or for any other purpose? Have you any bill against the tribe?—A. No, sir; I have not.

Q. You said that Mr. Moorehead and myself held councils at Pine Point, Beaulieu, and Twin Lakes. What do you mean by councils?—A. Councils where you take a group of Indians and talk to them about different matters pertaining to their interest. That is a council. A consultation between more than one person is a council.

Q. The idea that you mean to convey is that we had held Indian witnesses there and had, in fact, a commission which was to establish the quantum of Indian blood of various people?—A. Yes, sir; that is what you had.

Q. You didn't mean to imply that it was an Indian council in the term that has heretofore been applied to it—a council of the Indians for the discussion of their matters—it was to ascertain their quantum of blood, was it not?—A. Well, that was what the council was held for; but I would call that a council, Mr. Linnen.

Q. Well, it was that kind of a council?—A. Yes; that is what it was. Yes.

Q. You state that you came there to Pine Point and were refused admittance to the schoolhouse where we were then examining them as to the quantum of blood?—A. I didn't ask for admittance, because I had heard that no one was allowed in except those Indians.

Q. Did you state that I said to you that I was going to tie up this country and put Government officials in the penitentiary?—A. Those are just the words you used to me.

Q. I shall have to deny that statement.—A. It doesn't make any difference whether you deny it or not; you did say that.

Q. You state now that you advised the Indians not to sell their lands?—A. Yes, sir; I did.

Q. Were you active yourself in purchasing lands?—A. I was purchasing lands from mixed-blood Indians whom I thought could take care of themselves even if they didn't have the land.

Q. You made a statement about a council being held at Twin Lakes?—A. Yes, sir.

Q. Where you said I was there?—A. Yes, sir.

Q. Did you see me there?—A. I was informed that you were the man that was there. They spoke of the fat one of the two inspectors. I took it for granted it was you.

Q. I was never at Twin Lakes in my life.—A. Then I was misinformed, Mr. Linnen, and I am sorry that I was.

Q. Relating to some of these other matters—for instance, these feathers and paint—which occurred at this dance, did you say that?—A. I have been told by people that are reliable and I think could be gotten here to testify to that fact if you want them.

Q. I wish you would get them.—A. I will try to get them for you. I might be able to get some of those pictures and photographs that were taken of you people.

Q. Do that also.—A. It will be good evidence.

Q. How has the drinking of liquor and debauchery that occurred on the reservation in 1906 affected the welfare and the health of the Indians?—A. Well, you are getting me into a question now that it is pretty hard for me to explain, because I know nothing about the effects of drinks very much and the condition.

Q. Well, your observation?—A. Well, my observation has been when the Indians have money they drink a great deal. In fact, as soon as they had money and could buy liquor they would be drinking. They would not be doing anything; but after they have spent their money and got through with their big drunk, they were ready to go to work then. As they are working now, I think the spree is over.

Q. You stated that you corrected the interpreters who were working for us. How many interpreters were there there at that time?—A. I corrected the interpreter that was working for you.

Q. But how many interpreters did we have?—A. Well, John Lufkins was the only one that was interpreting there at that time.

Q. Was there any other interpreter present?—A. Well, Charley Moulton, I think, was there and they corroborated me in my corrections, in your presence, and Mr. Hurr was there.

Q. How often were you present during these hearings?—A. I was present four minutes and I took particular pains to take the time that I was in there, so as to be able to explain how you were making those examinations.

Q. And in four minutes you made five corrections?—A. Yes, sir.

Q. Is it not a fact that frequently the Indians sign papers where they don't know the contents of the same?—A. Very frequently.

Q. You have known of its occurrence?—A. Yes, sir.

Q. What do you know with relation to a certain paper which has, as I am informed, been recently circulated against the Rev. D. F. Porter? Were you responsible for the drawing up and the circulation of that paper?—A. Yes, sir.

Q. You were?—A. Yes, sir.

Q. And were you responsible for having one, Henry Goodwin, circulate the same in the vicinity of Twin Lakes?—A. I don't know whether he circulated it in the vicinity of Twin Lakes or not.

Q. At Duane?—A. Mr. Goodwin sent word to me that he wanted me to write up a petition and asked me what to put in it.

Q. Were those Indians who signed that petition, informed that it was a petition to get larger annuity payments made, and they signed under that misrepresentation?—A. I don't know anything about that Mr. Linnen, all I know is that Mr. Henry Goodwin asked me to draw up that letter and send it to him and I received it with instructions to hand it over to the chairman of this committee. I think that somebody else had made that report of a big payment. The man is in this room that made that report.

Q. Well, do you not believe that it is possible that these Indians, too, may have signed under a misapprehension?—A. They may have signed. Yes.

Q. Have you filed such a paper with the committee?—A. Yes; I have.

Q. I now desire to offer in evidence in as much as that former paper has been filed, this paper.—A. Mr. Chairman, I don't think

they have any right to make any introductions. We are having our side now. If they want to introduce their testimony, let them introduce it by their own witnesses.

Mr. GRAHAM. You might submit the paper you propose to offer, but if it is directly in response to the other paper, the committee is inclined to the opinion that neither of them should go into the record. The committee thinks that is hardly the proper way to attack a man's reputation, by petition. It is a serious matter to put into a record of a public nature like this, a grave attack upon the reputation of a citizen, and the paper which Mr. Carl handed me, signed by a number of persons, makes a very vicious attack upon the party named in it. The committee is decidedly of the opinion that that is not the way to impeach the veracity or attack the reputation of any man.

Mr. LINNEN. I simply mean this, Mr. Chairman, that inasmuch as they had seen fit to file such a paper, it was highly proper to file the other paper so that both sides might be shown—whether you care to use it for this record or not, for your own information.

Mr. GRAHAM. The paper was handed to me. It was not filed. I now have it in my hand. It has not gone into the record yet, and the committee are of the opinion that it ought not to go into the record.

Mr. BURCH. Legally speaking, I think it ought to go into the stove or the wastebasket.

Mr. LINNEN. I agree with you.

Mr. GRAHAM. The committee is not here for the purpose of blackening reputations or injuring people wantonly, and I think where a man is attacked in his personal character or reputation he ought to have a chance to defend himself. The committee realizes that if the attack is permitted the defense necessarily would have to be allowed, and if we had a number of attacks and had to allow a number of defenses we would be here into the fishing season, and then somebody might call this hearing a "junket." So I think we will not go into it. You may proceed if there are any further questions.

Examined by Mr. DENNIS:

Q. How many Indian pupils at Carlisle have you purchased land from?—A. It is the same person that I purchased land from at Haskell.

Q. Was that person an adult mixed-blood Indian at the time you purchased the land?—A. She is 22, going on 23; I guess she is.

Q. When did you purchase the land?—A. Well, I went there and got her to sign a deed just a short time ago.

Q. When was the first time you purchased the land?—A. In 1909.

Q. How old was she in 1909?—A. She was past 18.

Q. Past 18?—A. Past 18.

Q. Was she past 19?—A. Why, I think she was 18.

Q. How many did you buy at Haskell?—A. Three.

Q. Was each of them an adult mixed blood?—A. Yes, sir.

Q. How many at the other schools you referred to?—A. I didn't refer to any schools.

Q. There were four, and you said there were no parties at Pipestone.—A. Flandreau.

Q. How many did you purchase at Flandreau?—A. I purchased two there.

Q. Were they from adult mixed-blood Indians?—A. Yes.

Q. And the two deeds that you are trying to get signed now at Carlisle, is the party an adult mixed-blood Indian?—A. Yes.

Mr. LINNEN. Why did you go back for a second deed?

The WITNESS. I understood there were to be suits brought on by the Government on the grounds that the parties I bought from were minors. It was claimed by the Government that they were minors, and I wanted the parties to rectify the deed that I had got from them.

Mr. LINNEN. Was that not a direct violation of the act of June 25, 1910?

Mr. DENNIS. I think that calls for an opinion of the witness.

The WITNESS. That is asking me for a decision that should be made by a judge.

Mr. GRAHAM. What is the point?

Mr. DENNIS. I think that is calling for a conclusion of the witness as to a construction of the United States statute.

Mr. GRAHAM. They have a right to do it. If the witness has no opinion he can say so, or if he has an opinion he can give it and the committee can determine what it is worth.

Q. Have you not bought lands of the Indian pupils in the name of your brother?—A. Yes, sir.

Q. Well, answer the first question, if you please, first.

Mr. GRAHAM. Calling for your legal opinion.

The WITNESS. Well, I think that might be a violation in a case where any other laws are provided for. I think in case of the reservation on White Earth it is different.

Q. Now, have you purchased any lands of Indian pupils in these various schools in the name of your brother, Edward Carl, in the name of Mr. Bickel, and in the name of some land companies?—A. No, sir; I have not.

Mr. GRAHAM. Just a minute. The answer and the questions don't fit. There are three or four questions, and the answer might apply to one or more of them, and I don't know how it is. One question at a time would make one answer fit a great deal better.

Q. You have purchased land in the name of your brother, Edward Carl?—A. Yes, sir.

Q. You have purchased land in the name of Mr. Bickel?—A. No, sir.

Q. W. F. Bickel?—A. No, sir. I never had any dealings with Mr. Bickel. Don't get me mixed up with that man at all.

Q. Did you not go to Flandreau and purchase a tract of land from Philomene Donnell in the name of Mr. Bickel?—A. No, sir.

Q. Or Mr. Birkett?—A. Yes, sir.

Q. I was mistaken. I meant Birkett.—A. Mr. Birkett; yes, sir.

Mr. GRAHAM. That was the banker witness who was before us at Minneapolis?—A. Yes, sir.

Q. Have you purchased land from parties for any land company?—A. For a land company?

Q. For any land company—the Clover Land Co., or any other?—A. I purchased for them?

Q. Yes.—A. I don't remember that I have; I might have gotten a quitclaim deed signed for parties that I had bought land for in the Clover Land Co. to clear the title.

Q. The Clover Land Co., a corporation of Detroit, Minn.?—A. Yes, sir; I say I might have gotten a quitclaim deed for some land that I had already sold them in order to clear the title.

Q. I have here a warranty deed covering a large amount of land to the Clover Land Co. procured by you from one Nellie McCauley.—A. That was just personal between Nellie McCauley and me. That land really belonged to me.

Q. Why did you put it in her name if it belonged to you?—A. Well, that was some of my own business.

Mr. GEORGE. I didn't get that question and answer.

Mr. GRAHAM. The answer means what? That you traded that land and that that was your own personal affair, or the reason you had for doing it was your own business and you don't care to disclose it?

The WITNESS. No; I don't think it is material in this case at all. It is what I did after I got the land from the original allottee and has no bearing whatever upon the investigation.

Mr. GRAHAM. In the street phrase, you mean to say "It is none of your business."

The WITNESS. That is what I mean to say, and if he asked me that on the street I would put a little more force to it.

Mr. GRAHAM. Well, we are not on the street, and it does not matter what you would say there.

Q. You also purchased land of Indian pupils in the name of Nellie McCauley, did you not?—A. Well, sir, Mr. Linnen, I don't remember that I did.

Q. In whose else name did you purchase land of Indian pupils?—A. I think that perhaps—well, I just put the name—Mrs. Carl, I think, has gotten one or two. They were not Indian pupils, by the way.

Q. You say you are now dealing with one person at Carlisle to secure a deed to a tract of land, do you?—A. I did deal with one person.

Q. Have you not sent deeds just recently, in January, 1912, to two pupils at Carlisle?—A. Two pupils; but I didn't get those signed. They were returned to me unsigned.

Mr. DENNIS. This Mrs. McCauley that Mr. Linnen refers to is your mother-in-law, is she not, and the warranty deed that he has in his possession is the deed to 2,200 acres that you sold to the Clover Land Co.?

The WITNESS. Yes; I think somewhere around 2,200. I don't remember just how much.

Mr. GRAHAM. There is some testimony in the record about you going to the Flandreau school and interviewing a young lady and getting her to sign a document in blank which was afterwards filled out as a warranty deed and acknowledged by you as notary here in Minnesota. You recall that testimony, do you?

The WITNESS. Yes, sir.

Mr. GRAHAM. What have you to say?

The WITNESS. I went down in South Dakota and made a deal with Miss Philomene Donnell, offered here $500 for 40 acres of land. That was considered a big price for land then, and she consented to sell me her land for $500—the 40 acres. We made this deal just on the sidewalk on the street in Flandreau; that is, at the school.

I talked with her, and she said she would be willing to take that, and I said we would go inside and "You sign the deed and I will give you my check for $500"; and she said, "All right." Before that she had told me that the matron had asked her not to sell her land; that they were watching her all the time. I said, "They have no right to put any restraint upon you; you are of age, and you have a right to do what you want with your land"; and she said, "That is right." Then we went inside and signed the deed. I took the acknowledgment myself, and afterwards gave a quitclaim deed, because I looked up the laws in regard to the acknowledgment of instruments, and found that the acknowledgment should be taken where the instrument was signed. I instructed Mr. Birkett to give a quitclaim deed back to the young lady. The young lady was perfectly satisfied with the price that she got for her land, but she requested me to send her deed back to her later, and somebody in Mahnomen got an attorney for her to bring suit for the recovery of that deed for that land, which was unnecessary, because we were willing, as soon as we found the mistake, we were willing to quitclaim the land back to her.

Mr. GRAHAM. Did you give her the check at the time she signed the deed, or did you afterwards mail it to her?

The WITNESS. I gave her the check right there and she took it.

Mr. GRAHAM. Later it was sent to you?

The WITNESS. Later it was sent to me. She sent it to me the next week.—said she had changed her mind.

Mr. LINNEN. Who were the witnesses to that deed?

The WITNESS. The man driving the automobile—I think his name was Williams or Miller. I don't know what has become of the deed. I never looked it up. Miss Donnell is here, if you want——

Mr. LINNEN. You have named one witness. Who was the other one?

The WITNESS. I said the man that drove the automobile for me. The other one was myself. A notary has a right to act as one of the witnesses.

Mr. BEAULIEU. Did not the Indians indulge in drinking whisky a great deal long before the Clapp Act was passed?

The WITNESS. Why, the Clapp Act was not an introduction of liquor to the Indians, because they had always drunk liquor before that.

Mr. GRAHAM. I think most of us knew that. You hardly need proof to establish it.

Mr. BEAULIEU. Well, it was brought out, and I just wanted the testimony.

Mr. Beaulieu hands volume of testimony to chairman.

Mr. GRAHAM. How much of this record do you wish to use, Mr. Beaulieu?

Mr. BEAULIEU. Just to show where the Indians testified to receiving $1.50 a day for acting as witnesses.

Mr. GRAHAM. Beginning with the question of Mr. Cain at the bottom of page 154?

Mr. BEAULIEU. Yes; and also C. D. O'Brien's examination.

Mr. GRAHAM. If you are going to ask for a lot of this to go in, we will draw the line at the beginning.

Mr. BEAULIEU. You can put in as much as you like and leave out as much as you like. They said Mr. Carl was not telling the truth, and that shows that he is.

Mr. GRAHAM. That tends to show.

Mr. BEAULIEU. Well, it tends to show that in different places, if they want to put in all those who testified that they were receiving pay as witnesses from Linnen and Moorehead. He testifies that they were receiving pay as witnesses from Mr. Linnen and Mr. Moorehead.

Mr. GRAHAM. I read from page 154 of the record of the trial of the case of the United States against Gus H. Beaulieu et al.:

Q. (By Mr. Cain.) And two or three days ago there was a party came from Washington and they took a lot of the Indians with them and told them about the blood of other Indians, didn't they?—A. Yes.

Q. They took a lot of Indians, you and May-zhuc-e-ge-shig and Nay-she-quay-yung and a lot of the old chiefs?—A. Yes, five.

Q. And they took you right around with them?—A. Yes, sir.

Q. And they used to pay you $1.50 a day?—A. Yes

Q. And they used to pay you every Saturday, did they?—A. Yes, every Saturday.

Q. Were those two men called Linnen and Moorehead?—A. I don't know the English names; I can not answer that.

Q. Were they from Washington?—A. Yes.

Q. Were they the men who paid you $1.50 a day?—A. Yes; they were the men.

That is the end of the testimony of that witness What was the witness's name?

Mr. BEAULIEU. The same witness under cross-examination by Mr. C. D. O'Brien. Bah-bah-dwan-ay-wash.

Mr. GRAHAM. I will read from the same record on page 158:

Q. (By Mr. CAIN.) The time that you are talking about that you was paid $1.50 a day when you was working going around with these old men telling about the blood of the Indians, was it?—A. Yes.

Q. That is the time you are talking about?—A. Yes.

Q. Then when you came to Fergus Falls you got $1.50?—A. Yes.

Q And the next time you got paid was when you came down here for this trial?—A. I have not been paid yet.

Mr. CAIN. Mr. Chairman, I apologize to the committee for my remark to Mr. Carl.

This matter came up in a peculiar way. When this old witness was on the stand he was interrogated by Mr. C. D. O'Brien, and it was made to appear there at that time under Mr. O'Brien's examination that this witness had been paid to testify in regard to these matters, and that his pay had been continuous from some Government source, up to the time of the trial. I was greatly surprised by the testimony and took the matter up only to find out that he was merely one of those old witnesses whom Mr. Linnen and Mr. Moorehead had had with them, and had been paid not for his testimony, but for his time.

Mr. GRAHAM. The committee doesn't care to listen to any explanations about it. The matter speaks for itself.

Now, we come to the Clapp amendment. I stated I thought that was one of the most beneficial acts ever enacted by Congress for the benefit of the White Earth Indians. I shall not repeat what I said about that. When the Indians found out that the mixed bloods could sell their land, of course—what I intended when I made the suggestion to our Congressman was that such men as Mr. Beaulieu,

Mr. Fairbanks, and Mr. Warren, and men of that caliber, should be permitted to have these allotments. That is, to own their land in fee—that was my intention. I don't think any person of 122 parts of white blood would come to the same understanding as a mixed blood with these others. The Indians came to me after the passage of the bill and asked me for my advice. I told them not to sell their lands. I said: "Don't sell your lands." They said: "The lands don't do us any good, why not sell them? We can get good money and buy something to eat and buy horses and buy furniture." Well, I could not hold them down, anyhow, and some of them came to me to sign affidavits that they were mixed bloods. I wouldn't do that as I had not made any investigation as to their genealogy and was unable to. I know of one particular instance: I was county auditor and an Indian named Tobianace came to me and said: "A man that has a horse for sale down here will give me a horse and a harness and a wagon if you will sign this affidavit for me." I saw he had an affidavit for me to sign that he was a mixed-blood Indian and I knew that he was a mixed-blood Indian and I said: "I don't know that you are a mixed-blood Indian." "Well," he said, "I am a mixed-blood Indian and you sign it," and I said "No; I can not sign it for you," and he said, "Why?" I said: "I don't know you are a mixed blood." "Well, he said, "I have just told you I am a mixed blood," and I said: "That don't convince me that you are." I refused to sign the paper, and he took his trust patent like this [indicating] and tore it to pieces and threw it away. I said: "What did you do that for?" and he said: "What is the good to me having this paper representing land. It is no good to me. You refuse to sign a paper to let me get a horse and a wagon and a harness." I just tell this story to illustrate the feeling of the Indians and the attitude which they took toward getting the affidavits.

Mr. GRAHAM. You did not think of asking him what would be the good of the horse, the harness, and the wagon when the land was gone?

The WITNESS. Well, I knew what he did with horses when he had them before.

Mr. GRAHAM. What did he do with them?

The WITNESS. He would just drive them and feed them only on hay: and in the wintertime if you feed a horse only hay it won't last very long. He had driven half a dozen horses to death, I think, up to that time—he sold some inherited lands through the agency—and I knew the kind of care he would take of his horses, anyhow. Well, he went and got somebody else to swear he was a mixed-blood Indian, and he did get the horses, and such stuff as that went on all summer and fall up to the time I met Mr. Moorehead in Detroit. Regarding the Beaulieu Council and other councils that were held there, I say there was quite a council at Twin Lakes—that is, Mr. Linnen had gone to Twin Lakes—from all that I heard—and, I think, it was just a part of his force.

Mr. BEAULIEU. And took—you mean the Beaulieu, Minn., Council?

The WITNESS. Yes; the Beaulieu, Minn., Council. I forgot there was a Beaulieu Council.

Mr. BEAULIEU. That charge is made.

The WITNESS. Yes. Well, I heard that he was there with John Lufkins and several Indian policemen, and I went over there a few

days afterwards. I had built a house for my mother there the year before that, and I went over there to take a lot of supplies and provisions for her. I was talking to her, and she was saying, "One thing I am very glad I have done." And I said, "What is that?" And she says, "My grandson"—he was a little boy of my brother's, now deceased; I can not think of his Indian name, but we called him Jacob Redbird—"that boy's land has been in trust to me, and I signed papers to that effect." I asked her if she was sure she signed papers to that effect, and she said yes; that a policeman came to her house and asked her to come over to Star Bad Boy's place, and when she said she could not come on account of her sickness, why, shortly after that a team with some policemen came there and they lifted her right into the wagon and took her over there bodily, and she was made to understand that she was signing a paper that would give her guardianship to this boy. I found out afterwards that she signed papers claiming to be a full-blood Indian. I stated this to Mr. Linnen at the time that I testified at White Earth.

Mr. GRAHAM. Can't you give us more of the details of that—who were they that brought her over?

The WITNESS. Well, John Lufkins was one of the party.

Mr. GRAHAM. Was he in the Government service?

The WITNESS. Yes; he was one of the Government interpreters. He acted as interpreter, but I think he was either a disciplinarian or an industrial teacher at Pine Point at the time. The position was there anyway.

Mr. DENNIS. Who asked your mother to sign the affidavit?

The WITNESS. Well, she said this John Lufkins was the one that made her sign the affidavit.

Mr. DENNIS. This was at a meeting held by somebody?

The WITNESS. This was a meeting held by Mr. Linnen and his coworkers at Twin Lakes. I went home shortly after that, and when I got to Mahnomen—I think it was Mr. Waller told me about the remarks that were made to him against me by Mr. Moorehead and Mr. Linnen—that is, at the council at Beaulieu. Of course, I did not like it very well, and I wanted to have an understanding with these gentlemen—whether they made any remarks against me which I thought were slanderous—and so I came down to White Earth and was in their council just about four minutes. It took me just about that time to finish.

Mr. GRAHAM. Whose council was this?

The WITNESS. Mr. Moorehead and Mr. Linnen's. They were holding a council at White Earth Agency in the office building.

Mr. GEORGE. A council or a conference?

The WITNESS. A council; I think that is what they called it.

Mr. GRAHAM. There were Indians present?

The WITNESS. There were Indians present. They had their witnesses right along. They carried them; they were paid to testify.

Mr. GRAHAM. Now, explain that more fully. They were paid for their time when they acted as witnesses?

The WITNESS. As witnesses; and one of these people testified at United States court that he was paid for testifying.

Mr. CAIN. Oh, Mr. Carl, why don't you confine yourself to the truth?

Mr. GRAHAM. Gentlemen, this is entirely out of order.

The WITNESS. Do you want to cross-examine me?

Mr. CAIN. I beg your pardon.

Mr. CARL. It is granted.

The WITNESS. Do I make that plain?

Mr. GEORGE. You go along; we will ask some questions afterwards.

The WITNESS. The council held at White Earth; I said I went in there and asked Mr. Moorehead and Mr. Linnen if these remarks were made against me and they said they had not made any remarks of that kind. I, however, think, and I so believed at that time, that they had not made any remarks of that kind because it took a very unpleasant affair out of my mind. They held councils at Beaulieu during that time and they held Indian dances. I heard of these things and I said I didn't believe it was the policy of the Government employees, and I criticized them—of course, it never went outside of town—I criticized them very severely, because I had always known, understood, that the policy of the Government and the Government employees was to discredit these uncivilized amusements and actions, and I was very much surprised that the Government inspectors, who were expected to rectify wrongs done by others, that they should encourage these things. Moreover, I thought it was very wrong for them to put feathers on their heads and paint their faces and dance and ask other Indians to dance with them and encourage them in that way. I remember one young lady, who was about 17 years old then, said she made 50 cents from Mr. Linnen and got a pair of stockings to dance with him, and he called her "sister," and another refused to dance because she said she did not dance any Indian dances. Such stuff as that I don't think should be tolerated by the department, especially where money is paid to employees by the Government. I think that brings it up to the time of the investigation.

Mr. BEAULIEU. During the time that you heard something being testified to in the council, I think you stated that there was misinterpretation?

The WITNESS. At White Earth—I corrected the interpreter there five times on questions that were asked. The interpretation was made so that it could be answered more for the benefit of the inspectors. For instance, where a man said he was an Indian, why they said, "You are a full-blood Indian." An Indian is a man who does not belong to any other race except the Indian race. Whether he is part Indian or all Indian, he is an Indian just the same.

Mr. GRAHAM. Well, if he is only part Indian, he would belong in part to some other race.

The WITNESS. Well, of course, he is considered as an Indian. For instance, now, if you ask any of these Indians here "Who is John Carl?" they will say, "Why, he is an Indian;" or you ask any man in Detroit, they will say, "He is an Indian living upon White Earth."

Mr. GRAHAM. Does not there seem to be two sides to that? The day we had the addresses of a number of Indians, some on one side and some on the other, didn't the first speakers use the word "Indian" as synonymous with full blood?

The WITNESS. I was not here.

Mr. GRAHAM. My recollection is that they did.

Mr. GEORGE. That is my recollection, too.

The WITNESS. Well, there has been a distinction made since the Clapp amendment.

Mr. GRAHAM. Who was the interpreter to whom you refer?

The WITNESS. John Lufkins was the interpreter.

Mr. GRAHAM. And he interpreted the word "Indian" to be equivalent to the words "full blood"?

The WITNESS. He said "full-blood Indian."

Mr. GRAHAM. And that, you think, was not a correct interpretation?

The WITNESS. Another instance where he applied "full-blood Indian" was where the man had lived in a wigwam, worn a breechclout and a blanket, and was poor, and that constituted that he was a full-blood Indian.

Q. Whether he had any white blood or not?—A. Regardless of what he may have had.

Q. Didn't the full bloods refuse to take allotments for a long time under the Steenerson Act?—A. Yes.

Q. What reason did they give for that?—A. Well, the only reason that they gave was that they were in hopes to have a reallotment, and the mixed bloods, who had taken the good allotments, would be placed in the rear and they would have to take what was left; the full bloods would take their first choice.

Q. Now, about how many are there who call themselves full bloods, who even at that time called themselves full bloods?—A. I should say there was a little more than 200.

Mr. GRAHAM. On the whole reservation?

The WITNESS. Yes.

Q. Well, about how many mixed bloods—that is, how many members of the reservation are there?—A. Well, in 1900 I think there were 4,720.

Q. They have increased since then?—A. Thy have increased since then some.

Q. Now, as compared with the number of mixed bloods that received allotments and the number of full bloods, which ones received more pine allotments?—A. I think I figured that up at one time myself, and I think that 80 per cent of the full-blood Indians that took allotments at that time got pine lands.

Mr. GRAHAM. Going back to your last question and answer—or, rather, the one before the last—was the increase in the Indian population due to the excess of births over deaths or was it due in part to other Indians coming onto the reservation from outside?

The WITNESS. Both.

Q. Which the more?—A. Excess of births, I think.

Q. Do you think the excess of births over deaths counted for most of the increase?—A. Yes.

Q. Did you learn, then, or did you figure out how many—what percentage of mixed bloods received pine allotments?—A. Well, now, because there was a larger number and the percentage was smaller than that.

Q. Now, you say there were about 200?—A. There were more than 200.

Q. That claimed to be full bloods?—A. That claimed to be full bloods.

Q. And are these the men that the Government officials are looking after?—A. Well, some of them; not all of the 200. I think there is a very small percentage of these that the Government is looking after. It seems to me they are looking after them just for the time being.

Q. Well, they have 1,200 suits filed; 1,200 lis pendens notices. Do you think that is too many notices according to the number of full bloods?—A. I should certainly say so; yes. There are not that many, I know. I know of some instances where suits have been filed where there is no question at all of mixed bloods.

Mr. GRAHAM. How many suits, if you know, are on the theory of minority?

Mr. BEAULIEU. I was just about to ask that.

Mr. GRAHAM. Go on; pardon me.

Q. And those persons are not minors, are they?—A. No.

Q. Now, you stated that you went out to Twin Lakes. For what purpose did you go to Twin Lakes?—A. I went there to take some provisions for my mother and see what she needed.

Q. You had been looking after your mother for a good many years?—A. For a number of years; since I was 11 years old.

Q. You have never let her suffer for want of anything?—A. No, sir; not when I had anything to give her. I usually have something for my mother whenever she needs it.

Q. Now, you speak of a proposition to give mixed bloods the right to alienate their lands; was it not proposed that a commission should be appointed at that time in connection with that?—A. Yes; it was.

Q. I wish you would state just what the proposition was.—A. Well, the proposition was that in order to avoid trouble later on, such as we are having now, a bill should be passed by Congress providing for the appointment of three commissioners. The bill provided that commissioners should be the present Chippewa commissioner, a member to be appointed by the Department of the Interior, and another member to be selected by the Chippewa Indians of Minnesota in council at White Earth.

Q. I mean the first bill that was proposed.—A. No; I don't remember that.

Q. You don't remember that?—A. No.

Q. The bill that you wrote to Congressman Steenerson about, what was the proposition there?—A. Well, my idea was to name in the bill those persons who should be given their land in fee simple.

Q. Well, do you know whether a bill was submitted in Congress which had practically the provision known as the Burke law now?—A. Well, a bill something to that effect, if I am not mistaken, was introduced at your suggestion.

Q. But was not a commission proposed then?—A. I don't remember, Mr. Beaulieu.

Q. Now, in regard to the Indians on the White Earth, who do you think there are there who have not got a strain of white blood, from your own investigation?—A. From my own investigation; well, I spent pretty nearly four years looking over and studying the genealogy of the people, going to the older Indians there on the reserva-

tion where these people came from, and I failed to find any Indian that has not a strain of white blood somewhere.

Q. When did they commence to intermarry with the whites, if you know?—A. Well, as far as I can find out, it is 150 or 200 years back.

Q. Now, what effect does the Clapp Act have on the reservation generally?—A. It has made the country. It has caused the Indian who loafed around prior to that to be working to-day. You go out on the reservation to-day and you will find the Indians working all over. They are working in logging camps; they are working in sawmills and I think it had—well I think it is the best school that can be placed upon the reservation, an industrial school. They are working now and earning a good living.

Mr. GEORGE. You don't apply this to all the Indians?

The WITNESS. Nearly all of the Indians, the greater majority. There are very few Indians that are not working to-day.

Q. Do you not think it would be a good plan to pass such legislation as would throw the Indians on their own resources?—A. I think that is the only solution of the Indian problem.

Q. Do the Indians make use of their lands generally?—A. Yes.

Q. Do you not think it is a good plan to let at least those who could go out and rely upon their own resources—be relieved of all restrictions?—A. I think it would be a good thing.

Q. Do you recall anything about the Steenerson adoption?—A. No; I was not here at that time. That was one of the celebrations that I missed.

BIG BEAR (Ke-che-mah), sworn, testified as follows:

John Carl sworn as interpreter. Miss Warren seated near witness.

Examined by Mr. GRAHAM:

Q. What is your name?—A. Ke-che-mah.

Q. Where do you live?—A. White Earth.

Q. How long have you lived at White Earth?—A. I have lived there now 43 years.

Q. Where did you live before that?—A. Over to the place where they call Gull Lake.

Q. About how old are you?—A. Sixty-two years.

Q. Did you live all your life at Gull Lake before you came to White Earth?—A. Yes; right there.

Q. Are you a full-blood Indian?—A. No; one of my ancestors, or parents, had white blood. It was my mother.

Mr. GEORGE. He means on his mother's side?

The INTERPRETER. Yes.

Q. What work, if any, do you do?—A. I don't do any work.

Q. How do you make your living?—A. I do a little of everything; sometimes I work a little for other people.

Q. Earn money that way?—A. Yes; sometimes I get a little money that way.

Q. Have you any property of your own?—A. No; I have not. Not any.

Q. Did you have any?—A. Yes; I did have some property for a little while.

Q. How much?—A. Are you asking about my land?

Q. Yes.—A. I did have 160 acres that was given to me.

Q. What did you do with it?—A. I sold it.

Q. What did you get for it?—A. Something like—probably a little over $300.

Q. For both eighties?—A. Yes.

Q. Did you sell them at the same time or did you sell them at different times?—A. I sold them at different times.

Q. What did you get for the first one you sold?—A. $320.

Q. How long ago was it you sold it?—A. I think it is about five years ago.

Q. What use did you make of that money?—A. I bought some things with it and I also paid my bills in stores, where I had owed bills for years.

Q. When you say you bought some things, do you mean you bought furniture and clothes and things like that?—A. Yes; I bought—I mean that I bought groceries, bought clothing, and bought furniture that we use around the home. Such stuff as is needed in a man's home.

Q. When did you sell the other allotment?—A. I think it is about three years since I sold the other one.

Q. What did you get for it?—A. I sold some pine on that land and I got $1,000.

Q. For the pine alone?—A. I sold the timber first alone, then I afterwards sold the land with it.

Q. Well, did you get $1,000 for the timber and the land or did you get $1,000 for the timber without the land?—A. I got $1,000 for the timber.

Q. And what did you get for the land?—A. $50.

Q. What did you do with that money?—A. I made the same kind of use of that money that I did of the other. I bought stuff from the stores and had a good living with it.

Q. How long did it last?—A. I think I used that money about one year.

Q. Where do you live now?—A. At the village of White Earth.

Q. Do you own the house you live in?—A. Yes.

Q. Is it your own, or does it belong to your wife or some other member of your family?—A. I own it myself.

Q. How did you get it?—A. You mean my home?

Q. Yes.—A. I logged some timber off my wife's allotment, and it was from the proceeds of the sale of that lumber that I logged, that I built this house.

Q. How large a house is it?—A. There is just one room in that house, just one big room, and one known as the kitchen separate from this one.

Q. How large a family have you?—A. I have four children and a wife.

Q. How old are the children?—A. They are all married.

Q. None of them living with you?—A. One. One lives with us.

Q. Is that one a boy or girl?—A. He is a man.

Q. Does he help make a living for you and your wife?—A. Yes; he kind of looks after us.

Q. What does he do?—A. He is a laborer.

Q. Does he divide his wages with his parents?—A. Yes; in a way he does; he provides for us whenever he can.

Q. How much taxes do you pay every year?—A. I haven't paid any taxes yet.

Q. Why?—A. I don't know why I haven't been requested or been made to pay any taxes yet.

Q. Have you inquired to find out whether your home was sold for taxes?—A. No; I haven't inquired.

Q. (Speaking to interpreter.) Do you know of any reason why he should be exempt from the payment of taxes on his home?

The INTERPRETER. I think the people in Polk County know something about that, because they made a protest against paying, or an assessment. Mr. Beaulieu, I think, should know.

Mr. BEAULIEU. The act which set aside the town site of White Earth was not, I believe, approved. There was something arose there regarding it which made it doubtful whether the State had any right to tax the land.

Mr. GRAHAM. Mahnomen County could do nothing to raise the question as to the State's right to tax land in Mahnomen County.

Mr. BEAULIEU. I may not make myself very clear. I will state it in this way: The State taxed White Earth Village; that is, taxed the property held by the residents of White Earth Village; but the town site had not been approved by the department yet, and so I raised the question of the State's right to tax the village, and I have commenced a suit to recover the amount we paid. We paid, a great many of us, under protest, and then I immediately commenced a suit which is now pending; and until that suit is settled, I don't know whether the county will make any strong effort to collect taxes there. Have I made myself clear?

Mr. GRAHAM. Well, you have at least explained the reason why he was not called on to pay taxes. Mr. Dennis wants to enlighten us.

Mr. DENNIS. The town site of White Earth, which is in Becker County, was purchased by the Indians by a special act of Congress and was sold to residents living there, and it had to be approved by the Secretary, and the taxes were not leviable until after the approval, and it was only a year or two ago that the sale was approved by the Secretary. And that may be the reason why this gentleman's land was not taxed; but under our system of taxing there could very easily be a hardship upon such persons, because there is no notice given anyone as to the taxation of land. He is supposed, when he owns land, to know enough to go and pay the taxes, and he never gets any notice that his taxes are past due.

Mr. GEORGE. Well, that is true in a great many parts of the country, isn't it?

Mr. BEAULIEU. It may be.

Q. How is your home heated?—A. I have tar paper on the outside of my house.

Q. But, haven't you a stove or some way to heat it on the inside?—A. Well, there are stoves on the inside.

Q. What do you burn?—A. Wood.

Q. Where do you get it?—A. I get it everywhere; I get it on my wife's allotment.

Q. Do you get it without having to pay for it?—A. No; I don't have to pay for it.

Q. Do your children all read and write and speak English?—A. Yes. They all read and write and can speak the English language

but the one that is staying with me. He doesn't read and write very well, but speaks English.

Q. Is he too old to go to school any more?—A. Yes; too old. He is married now.

Q. The one who lives with you?—A. Yes.

Q. Which would you prefer, to have your children live like white men or to live as your fathers lived?—A. We have left the uncivilized ways and we are now leading toward the life of a white man, and we prefer that.

Mr. GRAHAM. Proceed, Mr. Beaulieu.

Examined by Mr. BEAULIEU:

Q. Have you heard that all the persons who would declare themselves full bloods could recover their land?—A. Yes; that is what I have heard.

Q. Isn't that the general belief upon the reservation, if you know?—A. It was heard all over. That was the general talk.

Q. Have you ever tried to take advantage of that belief?—A. No, sir.

Q. You have sold your land and you want to stand by the sale, do you?—A. Yes; that is the way I want it to stand.

Q. Are you self-supporting?—A. Yes.

Q. Do you rely on the Government in any way to support you?—A. No.

Q. How long have have you been self-supporting?—A. I began supporting myself when I was grown up.

Q. You then have never had any assistance to speak of from the Government?—A. No; I never had very much assistance. It is true that I was given some lumber one time a long time ago to build a house with, but the house has rotted away.

Q. You went to Washington last winter, did you not?—A. Yes.

Q. You remained there all winter, working for the tribe?—A. Yes.

Q. And for that reason you couldn't provide for your family?—A. Yes.

Q. And your wife—did your wife apply to the agent for assistance?—A. Not while I was in Washington, but immediately after my return she was invited by some of the other older women, who were drawing rations, to go there and ask for rations, too.

Q. Did she receive any?—A. No.

Q. Was there any reason given why she did not receive any?—A. The agent told her, "We can not feed you. You people have got a lot of money."

Q. Did you have any money at all?—A. No; I didn't have any money at all.

Q. Did you get any money for your services while you were away at Washington?—A. No.

Q. Do you know whether the Chippewa funds have been expended to any great extent?—A. Yes; I know I have heard it.

Q. Since when have the funds been spent?—A. Well, I know that it has been the last three years that a good deal of money has been spent, and back of three years; some time ago.

Q. Has it not been—do you know of any money that has been expended since the Chippewa Commission was there—that is, at White Earth—negotiating with the Indians for the act of 1889.

known as the "Rice treaty," in the year 1889, or 22 years ago?—A. Yes; I think that is true.

Q. Was that not Indian money?—A. Yes.

Q. How did the Indians get that money?—A. I don't know. It might be that the money was derived from logging.

Q. Was it money derived from the sale of Chippewa pine?—A. Yes; that is what I mean.

Q. Do you know whether the surplus of Chippewa lands has been sold or not?—A. Yes; that is one of the sources of the fund.

Q. Do you know whether the commission stated what the fund might be that would accrue from the sale of the Chippewa pine and timber lands in 1889; what the amount might be?—A. I don't think I can remember.

Q. Who were the commissioners at that time?—A. Is it not White Rice?

Q. Yes; White Rice. Didn't White Rice tell the Indians that the commission had looked into the matter and that they would receive a very large amount of money?—A. Yes; that is what the promises were.

Q. Now, can you not recall what Mr. Rice said the amount would be?—A. No; I don't think I can remember that.

Q. How much money have you been receiving since Mr. Rice was here from the Government?—A. I have been drawing $6 a year.

Q. You have not drawn any more from that treaty, have you, or that agreement?—A. No; I have not until this winter. I got a little more this winter—this payment.

Q. How much did you get this winter?—A. $9 and, I think, 60 cents.

Q. Do you know whether it would be a good thing—or do you think it would be a good thing—to pay the Indians for the work they do so that they could learn to become self-supporting in every way—those that are not already self-supporting?—A. That is what I wish for, that it should be that way.

Q. Were you here when Agent E. P. Smith was Indian agent?—A. Yes.

Q. Did they follow the custom of paying Indians for their own work then?—A. No.

Q. Didn't the Indians, at one time, get pay for breaking their own lands?—A. Yes; they were paid long ago.

Q. And did they not get pay for building their own houses?—A. I don't know as to that.

Q. Didn't those who wanted to haul lumber get pay for hauling lumber to their own houses?—A. Yes; they were paid.

Q. Did they get pay for cutting their own rails?—A. Yes.

Q. And didn't a great many of them become fairly successful farmers at that time on that account?—A. I think that they were successful from that point.

Q. Do you not think that it would be a good thing to use the tribal fund now for that purpose instead of having it used for a great many purposes that it is being used for?

Mr. GEORGE. Used for what purpose?

Mr. BEAULIEU. For the purpose I have just named—that is, making improvements for themselves, farming, etc.

Mr. GRAHAM. Paying them for doing their own work?

Mr. BEAULIEU. Yes.

A. Yes; it would be better to spend the money in that way.

Q. Do you not think that would be a good way to prevent a great many from selling their lands who still own lands?—A. Yes; that would be the right thing.

Q. Do you think that it would prevent them from selling the land?—A. Yes; that is the way it would be.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Anyone desire to ask any questions?

Examined by Mr. LINNEN:

Q. To whom did you sell your timber?—A. The man that is at Frazee.

Q. Did you sell it direct to him or did you sell it through Gus H. Beaulieu?—A. I sold it direct to him.

Q. Who did you sell that land to for $50?—A. The man in the bank, the town between here and Ogema.

The INTERPRETER. Meaning Calloway.

Mr. BEAULIEU. Mr. Linnen, I want to ask you at this time, Do you question the right of this man to sell his land?

Mr. LINNEN. No; I am just asking him questions.

Q. Was that the bank at White Earth?

The INTERPRETER. I think he means Calloway. You might ask the name of the town.

Q. Do you know the name of the banker to whom you sold this 80 acres for $50?—A. No; I don't.

Q. You have a grown-up son, have you not, who is living with you—a strong, healthy man?—A. Yes.

Q. And was not your son living at home at the time your wife went and asked for rations?—A. Yes; he was there.

Q. And you were living there yourself?—A. Yes; I was living there.

Q. And was that not the reason assigned by the agent to your wife for not furnishing rations, on the ground that they were only furnished to those who were absolutely destitute and sick?—A. No; that wasn't the reason.

Q. Were you there at the time?—A. Yes; I was there.

Q. What was said?—A. What was said?

Q. By Mr. Howard?—A. When my wife came back without the rations I went to the agent to ascertain why he said that I had a lot of money, and the agent—I asked the agent why he had said that I had a lot of money, and the agent said that Gus Beaulieu had his money.

The INTERPRETER. At first, he says, "Were you not given any money on the Washington trip?" And Maj. Howard informed him that Mr. Beaulieu—Mr. Gus. Beaulieu—had his money.

Q. Are you not employed by Gus Beaulieu?—A. No.

Q. Have you not worked for him for $40 a month?—A. No, sir; he couldn't hire me for $40 a month.

Q. You have worked for him at different times, have you not, during the past year?—A. I haven't done any work for Mr. Beaulieu—that is, any labor—but, of course, I have worked on the same plan—the same plan that he is interested in.

Q. You are working, then, for Nichols-Chisolm Lumber Co., are you?—A. Yes.

Q. Who pays you?—A. He pays me himself.

Q. Who?—A. The lumberman. He paid me for two months.

Q. Were you paid by anybody for your services while you were in Washington?—A. No, sir; nobody paid me.

Q. How many people are there living in your house in that one room?—A. My son and his wife and two children, my wife, and myself; that is all.

Examined by Mr. BEAULIEU:

Q. How many rooms are in that house?—A. Just one room, and the kitchen separate.

Q. When you wife went and asked for rations from the agent, do you know whether she gave any reason for doing so?—A. I didn't know anything about her going there, but these other women that came by there invited her to go along, stating to her that she was old enough now to be on the ration roll.

Q. Were you not pretty hard up after you got back from Washington last spring?—A. Yes; I was hard up at that time.

Q. Was that not on account of your having been absent, away from your work here, for several months?—A. Yes.

Q. Your work at that time was solely for the interests of the tribe?—A. Yes, sir.

Q. Do you recall the adoption of Congressman Steenerson?—A. Yes.

Q. I wish you would explain why that was done.—A. The reason why was that Mr. Steenerson may assist the Indians—that is, he would be a speaking man for them.

Q. Had he done any work for them before he was adopted?—A. I don't know.

Q. Who got them—they got an additional allotment of 80 acres each, did they not?—A. Yes; I left that out. It was he that got the additional 80 acres for the Indians.

Q. How did it happen that he got that additional 80 acres?—A. That was one of the promises of White Rice, that the Mississippi Indian would receive 160 acres.

Q. What band do you belong to?—A. Mississippi.

Q. Who were the first owners or occupants of the White Earth Reservation?—A. It was the Mississippi Indians.

Q. Were they not exclusive owners of the reservation?—A. They were the owners of it—the Mississippi Indians were.

Q. When the reservation was set aside did they not have a right to take 160 acres of land?—A. Do you mean the Mississippi Indians?

Q. Yes.—A. Yes; it was agreed that they should have that much.

Q. By making certain improvements, was it not?—A. Yes.

Q. Now, when Mr. Rice promised them the 160 acres, what was said there, if you can recall?—A. I can't remember what he said.

Q. And was any effort made after that to get 160 acres allotted by the commission?—A. Yes; there was an effort made.

Q. And what was the result of that effort?—A. It was successful.

Q. Immediately following the Rice agreement?—A. Yes.

Q. Well, why was it necessary to pass the Steenerson Act?—A. It was doubtful whether that provision where the Mississippian was

promised his 160 could be carried out legally, and it was for that reason that Mr. Steenerson had his bill passed.

Q. And then following the passage of the bill they adopted Mr. Steenerson, did they?—A. Yes.

Q. Did they have a general council when they adopted him?—A. Yes; there was a big council.

Q. Was there anyone present who protested against the adoption of Mr. Steenerson?—A. I don't remember of anyone.

Q. Was it not the unanimous wish of the Indians to have Mr. Steenerson adopted?—A. That was what they all seemed to say. They were all of the same mind—to adopt Mr. Steenerson.

Q. Did they urge Mr. Steenerson to take an allotment, or not?—A. Yes; that is what they said.

Q. And what did Mr. Steenerson say?—A. I don't remember what he did say, and I don't remember whether he was very willing to accept the allotment or not.

Q. That is all.

Examined by Mr. BURCH:

Q. That was at the celebration—the Steenerson business—that celebration?—A. I think that is the time. It is that time.

Q. Was it from the speakers' stand at the time the speaking was going on?—A. Yes; I believe it was there. Yes; it was there the proceedings were had.

Q. Were the Sioux and the Chippewas and white people there?—A. Everybody that came there to visit was there.

Q. Was it put to a vote of the Chippewas alone, by counting or raising of hands, by somebody who knew the Chippewas, or was it put to everybody viva voce?—A. It was only the Indians, the members of White Earth Reservation, that had anything to do with it. They held a little council, and it was agreed that Mr. Steenerson should be adopted.

Mr. BEAULIEU (to interpreter). Just wait a moment. Didn't he say, "A little council"?

The INTERPRETER. Well it was a little council—that they should adopt Mr. Steenerson.

Q. Was there any notice given of it to all the Chippewas?

Mr. GRAHAM. Just a moment. Which of you is right about that? Did you say that they held a council or that they held a little council or they held a meeting?

The INTERPRETER. Well, he say—that means a gathering together, a council.

Miss WARREN. I think he meant—that word [using Indian word] meant council; [using another Indian word] means meeting.

Mr. BEAULIEU. Let me explain. Both words mean the same thing, council and meeting.

Mr. GRAHAM. Well, there are hardly any two words that mean exactly the same. There will be some shade of difference in their meaning.

The INTERPRETER. They mean very nearly the same thing.

Mr. GRAHAM. "Nearly" is better.

The INTERPRETER. They gave a council without a smoke, that is what the word means, and the other means a place where they make one another smoke.

Mr. BURCH. Mr. Carl, spell the word he used.

The INTERPRETER. Mawah-je-ding.

Mr. BURCH. Does that mean a gathering?

The INTERPRETER. That is what it means, and that is what we had when we had a council.

Mr. BURCH. I am not asking you. I am asking him.

The INTERPRETER (interpreting). That is what it means; yes.

Mr. BURCH. Does it also mean a council—an Indian council, a tribal council?

The INTERPRETER. I must confess I don't know how to interpret the difference between——

Mr. BEAULIEU. Does not that word mean a tribal council or an Indian council? That is an easy matter, John.

Miss WARREN. He says it is the same.

Q. Oh, all right; that is what I want to know. Does he call it a council when white people, Sioux people, and Chippewa people, young, old, male, female, are gathered all in the crowd and no attempt made to single out the Chippewa adult? Do you call that a Chippewa council?—A. Yes.

Q. Now, did you know that on the first day of the allotment, in April, following this June 14, Naytashash, the old chief, was allotted the same land that Beaulieu had prepared——

Mr. BEAULIEU. Now, he has not testified.

Mr. BURCH. No; but you did. Didn't you say you cruised it and gave it to him?

Mr. BEAULIEU. Well, ask him.

Mr. BURCH. All right; I will try to simplify it.

Mr. GRAHAM. He has a right to ask it.

Mr. BEAULIEU. He will not understand it that way. I want to make him understand that.

Q. Just please waive that question. Ask him if the first day of the additional allotments Naytashash was not allotted two of the descriptions that had been selected for Mr. Steenerson—two of the forties that had been selected for Mr. Steenerson—or descriptions.—A. I can not remember that.

Q. Ask him if he knows Alice Parker.—A. No.

Q. Ask him if he knows Ben Fairbanks.—A. Yes; I know him.

Q. Then, I mean by "Alice Parker" the present Mrs. Fairbanks. Does he know her?—A. Yes; I know her.

Q. Did you see her the second day, April 25, and before she was Mrs. Fairbanks, get allotted two other of those descriptions?—A. I don't know anything about that.

Q. Did he hear that later, on May 15, the next month, when they recommenced the allotting, that Josephine Fairbank McLain, Ben Fairbanks's daughter-in-law, or Josephine McLain Fairbanks got the balance of the land applied for by Mr. Steenerson?—A. I don't know anything about that.

Examined by Mr. GEORGE:

Q. Are you a farmer?—A. No.

Q. Did you ever have a farm?—A. Yes; I have a farm.

Q. Did you farm it yourself?—A. Yes; I did the work myself.

Q. How many acres?—A. I used to farm 10 acres.

Q. What did you raise?—A. I raised wheat, and sometimes I raised oats. It has been long ago. I think it might be 30 years since I last farmed.

Q. Would you like to farm now?—A. Yes; if I had anything to farm with, I think I could farm yet.

Q. What do you mean by "farm"? Do you mean land?—A. I haven't any land, myself; my wife has both of her lands yet.

Q. Why don't you farm that then?—A. It is out in the woods, and you can't farm that.

Q. Timber on that land?—A. Yes.

Q. Why can not you exchange some of that land for farming land?—A. I would be willing to do that, if I could.

Q. What kind of land did you get in your 160 acres?—A. I had 80 acres of pine land mixed in with the other kinds of trees, such as spruce and balsam.

Q. And what was the other land?

The INTERPRETER. Oh, he means that he had 80 acres of land, and the other land consisted of several kinds of trees, including the balsam and the spruce.

Q. When you sold the other pine land, or your spruce land, why did not you buy some farming land?—A. Why, I simply didn't do it; that is all.

Q. Does the Indian want to be a farmer?—A. I think the Indian would want to be a farmer, if he had farming implements to use.

Q. Well, you had money to buy implements. Why did not you go to farming then?—A. I did not have enough money. That money was insufficient to pay all my debts in stores and buy my provisions and other things that I had to have, necessary for my living.

Q. What do you think the Government should do for the Indian now?

The INTERPRETER. He does not understand the question.

Q. Well, do you think the Government should try to make the Indian into a farmer?—A. Yes.

Q. Wouldn't an Indian prefer to be a farmer to being a producer of any other kind?—A. I think the majority of them would prefer farming, if there was a way that they could be assisted to be successful in farming.

Q. Would the Indian prefer to sell his lumber to a timber company rather than to farm the land—to garden the land?—A. I think that he would prefer farming.

Examined by Mr. BEAULIEU:

Q. Do you know whether a council had been held regarding the Steenerson adoption before he was formally adopted?—A. I don't remember.

Q. Do you remember whether any agreement was made among the Indians themselves that Mr. Steenerson's allotment should be selected for him and that nobody would apply for that tract of land?—A. I don't remember that.

Q. Do you remember whether May-zhuc-e-ge-shig said anything to you or not in the adoption proceedings?—A. Well, I heard May-zhuc-e-ge-shig what he said.

Q. What did May-zhuc-e-ge-shig say?—A. He promised Mr. Steenerson he would give him land wherever Mr. Steenerson would be satisfied and select it.

AFTERNOON SESSION.

WALTER G. WEST recalled.

Examined by Mr. BEAULIEU:

Q. Was there a check ever given to the Chippewa State Bank or to this man Bickel by you?—A. Yes, sir; there was a check in blank given by me to Mr. Bickel in order that he might secure the indorsement of Mr. Hall, Mr. Hall having previously stated that the amount was due to Mr. Sickner and not to himself, Mr. Sickner having paid him personally. It was only for the purpose of enabling Mr. Hall to make it possible for Mr. Sickner to obtain the amount which was really due him. The check was, however, in due time returned to us and I have never seen it since.

Q. You sent it to him in blank, did you not?—A. It was not signed and it had his name on it and the amount written on it, but had no number nor date and no signature.

Q. It was made payable to him?—A. Yes, sir; but Mr. Hall——

Q. Was the amount made payable to him?—A. The amount was filled in in his favor; yes, sir.

Q. What was the amount?—A. I don't recall now; it was an amount that was due him according to our records, which he stated had been paid him personally by the mill superintendent, and this was done at Mr. Hall's suggestion.

Q. This check was sent to him, not filled out, at his suggestion?—A. Yes, sir; made out in that way at his suggestion.

Q. And he was to indorse it in blank?—A. That was what he intended to do—indorse it, in order that Mr. Sickner might get his money.

Q. Why was it not filled in when it was sent to him?—A. I don't recall now why it was not filled out and signed, if that is what you mean.

Q. Yes.—A. I don't recall now. I presume it was for the reason that we would not give to another party a check which might be used by him without the party's consent, more than had been given, without having a record of his consent.

Q. Was it customary for the agent to send out checks in this way?—A. Yes; I may say it is in case of individual money.

Q. Individual money? What do you mean by individual money?—A. Money belonging to the Indian and not Government money, but held in trust.

Q. They send it in blank for him to indorse?—A. Yes, sir; that is, to sign according to present regulations.

Q. Was this individual money that was being paid?—A. No, sir; it was not.

Q. What money was it—what fund?—A. If it had been paid at all it would have been paid from what is known as a fund for the relief and civilization of the Chippewas of Minnesota. The claim has never been paid, but it has been certified by the superintendent, and whether or not the Treasury Department has now paid it I don't

know; but the records show that the amount was earned by this man Hall, and he can get it by applying to the Treasury Department. If he has, I don't know.

Q. Well, wasn't one of his objections to signing it that there was $7 paid out on the account and he didn't want to certify to that much?—A. No, sir.

Q. I think you testified here that no checks have been paid out by your office which had not been received——A. No, sir; I didn't testify so.

Q. What did you testify?—A. I testified that there had been a number and are now, at the agency office, a number of uncashed checks.

Q. But are there not a number of checks that have been paid by you; that is, that have been sent to the men that did the work; that have been paid and you have not received them yet?—A. I am not sure that I understand you, but I will tell you what I did mean myself, and what I think will answer your present question. It sometimes happens that we have knowledge of the fact that a man has spent his money and that he has money due him as annuity payment. We draw a check and send it to him, and it frequently occurs that an Indian doesn't receive that check, and it is finally returned to the office, where it is held until his new address is ascertained. We have one check in particular—I don't now remember the payee, but it was drawn over four years ago—and I have tried repeatedly to look up the party to whom it was drawn, but up to the present time I have not been successful in doing so.

Q. Did not a man named Wilkinson make a complaint to your office that he had not received a check, which was issued by your office to him?—A. No, sir; I recall no such complaint, although I won't say positively that it was not so. I am not the only man in the office.

Mr. BEAULIEU. All right, that is all.

Mr. LINNEN. Well, I will ask permission to cross-examine Mr. West, not on this matter, but on a good many matters that have come up.

Mr. GRAHAM. I think we have given Mr. West nearly enough time.

Mr. LINNEN. He has had no cross-examination.

Mr. O'NEIL. I am the superintendent of logging on the Indian reservation from the north, and I would like to ask, as a personal favor, that I be allowed to testify as soon as possible.

Mr. GRAHAM. Mr. Beaulieu, is it your purpose to call him now?

Mr. BEAULIEU. Well, it was not my purpose to call him, as I wanted to call Mr. Farr.

Mr. GRAHAM. Mr. Farr does not seem to be here, and I have stated to Mr. Farr that we will give him most of the day and not call him until to-morrow morning, and that we would not ask you to go to Minneapolis on account of his health, and that he would have to go on to-morrow morning. So you can call other witnesses now and go on with him later.

JOE ROY, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. Joseph C. Roy.

Q. Where do you live?—A. Red Lake Indian Reservation.

Q. What is your business?—A. At present I have nothing to do.

Q. What was your business?—A. I was working at the Government office.

Q. In what capacity?—A. As an interpreter.

Q. How long?—A. About three years; something like that.

Q. Did you at any time have any trade or means of living other than to act as interpreter?—A. Yes; I have.

Q. What?—A. I was mail contractor for some time.

Q. Contractor for carrying mails?—A. Yes, sir.

Q. How long did you do that?—A. Four years.

Q. And how long did you make a living acting as interpreter?—A. I was working for three years at the office.

Q. Have you any Indian blood in you?—A. Yes; I think I have.

Examined by Mr. BEAULIEU:

Q. Do you know anything about Red Lake Indian pine or timber matters?—A. Yes, sir; I have heard a great deal about it.

Q. Do you know anything about the so-called Crookston sale?—A. Yes; I have heard also a good deal about that.

Q. Do you know anything about the estimates under which that sale was made?—A. I also know a good deal about that.

Q. I wish you would go right on and tell what you know.—A. About the estimating, do you mean?

Q. About everything.—A. Well, in regard to the estimating of the pine at Red Lake Reservation, those estimators estimated the pine—they were estimating it way under.

Mr. GRAHAM. How much would you say below the proper estimate?

The WITNESS. Well, I would say that about three-quarters, that they did not estimate the pine.

Mr. GRAHAM. Do you mean that they estimated it at three-quarters of its value, thereby causing a loss of one-quarter, or whether they estimated it three-quarters too low, causing a loss of three-quarters?

The WITNESS. Causing a loss of three-quarters.

Mr. GRAHAM. Are you an expert at estimating?

The WITNESS. Well, I had a little experience in regard to that myself.

Mr. GRAHAM. On what do you base your opinion as to their estimate?

The WITNESS. Well, one reason is I am well acquainted with one person that took a homestead on the north side of Red Lake.

Mr. GRAHAM. Who was it?

The WITNESS. A fellow by the name of Miland. He took a homestead of 160 acres there, and afterwards he cut the timber on his homestead, and he cut 1,200,000 feet of it off the 160 acres; and he said to me himself that this 160 acres was classed by these estimators as agricultural land.

Mr. GRAHAM. What he told you of it is about all you know of it, is it?

The WITNESS. Yes, sir.

Mr. GRAHAM. Did you know the land?

The WITNESS. Well, I know whereabouts that land is.

Mr. GRAHAM. Well, do you know—did you see the timber on it, the pine?

The WITNESS. I passed through there once.

Mr. GRAHAM. Have you a judgment of your own from observation?

The WITNESS. Well, the timber standing in there was pretty thick.

Mr. GRAHAM. Did you ever do any estimating?

The WITNESS. Well, not exactly any standing timber.

Mr. GRAHAM. Well, now that is about Red Lake. Mr. Beaulieu, can't you get to White Earth?

Mr. BEAULIEU. I will ask a little further about Red Lake.

Mr. GRAHAM. Of course, you understand that this is not a subject matter of investigation here—Red Lake—but go ahead.

Mr. BEAULIEU. I understand that it is very important, for this reason: That they had a great many estimators who were using Chippewa funds, or supposed to be doing work, and the Interior Department was paying from Chippewa funds for work that they were not really doing. I want to show that by this witness.

Mr. GRAHAM. Well, get to your point at once. But whether they made correct estimates down at Red Lake is really not a question that we are examining into.

Q. Do you know whether the timber estimators who worked there, whether they worked constantly or idled away their time?—A. Well, I was running a kind of hotel at that time at the Red Lake Reservation, and they were frequently stopping with me at that time, staying a day or two at the time.

Q. Well, did they stay any length of time, any of them; more than three or four days?—A. Not more than about three or four days.

Q. Were they camped anywhere in one locality where they just remained for a long time and didn't do any work that you know of?—A. Well, yes, sir; I think they were up north of Thief River Falls; they were camping one winter out there.

Q. Did they do any work there?—A. Hardly any at all, I understand.

Q. Now, do you know of any land that was open to settlement that had any large amount of lumber on it?

Mr. GRAHAM. Where?

Mr. BEAULIEU. On the Red Lake Reservation.

Mr. GRAHAM. Red Lake?

Mr. BEAULIEU. Yes; that is where they were estimating—these Government estimators.

Mr. GRAHAM. I know; but what has that to do with White Earth?

Mr. BEAULIEU. Well, I don't see why there should be—are you just confining yourself to——

Mr. GRAHAM. You see we are only doing what we were directed to do, and it is the White Earth Reservation that we were to inquire into.

Mr. BEAULIEU. My understanding was that you were authorized to look into the expenditure of the Interior Department among the Chippewa Indians.

Mr. GRAHAM. Well, in a general way that is true.

Mr. BEAULIEU. Is that all?

Mr. GRAHAM. It is equally true that we could look into the expenditure of any Indian moneys anywhere.

Mr. BEAULIEU. We have introduced all the testimony that we intend to about White Earth.

Mr. GRAHAM. I see. Well, go on with the witness. You can present what you would like to about Red Lake or White Earth, or any other. Now, is there no connection between the White Earth Chippewa fund and the Red Lake funds?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. You claim that it would be improper use of the White Earth Indian fund to expend it for work done on the Red Lake Reservation?

Mr. BEAULIEU. Why, there is no White Earth Chippewa fund.

Mr. GRAHAM. It is just a Chippewa fund?

Mr. BEAULIEU. It is the Chippewa fund of Minnesota. Chippewas at Red Lake have an equal share with the fund at White Earth, and also the Leech Lake. It is just one fund, if there are 10 reservations.

Mr. GRAHAM. Very well; go on with your examination.

Q. Mr. Roy, do you know of any circumstance where a large amount of the reservation timber at Red Lake was homesteaded?—A. Why, yes; there is a good deal of homesteaders taking——

Q. Well, just explain it in your own way as quickly as possible. We only have this afternoon to put in a case that should take four days to put in, anyhow.—A. Well, there is a good deal of that Red Lake Reservation that was homesteaded where there is lots of pine on it, such as a hundred and fifty up to over four hundred thousand on it, on 160 acres, that was classed as agricultural land.

Mr. GRAHAM. Where would you draw the line, Mr. Roy, between the pine land and the agricultural land? In other words, how much timber should there be on a 40-acre tract to make it timber or pine land?

The WITNESS. Well, I think under the Nelson Act it would require under 10,000 feet to be agricultural land, the way I understand it.

Q. About how many feet were there on these tracts which you know of, that you are speaking of now?—A. Well, all the way from one hundred and fifteen to over four hundred thousand feet on 160 acres.

Q. Now, do you know of any particular tracts; can you describe any particular tracts, and where are they located?—A. Well, there is one homestead at what they call Battle River which cut a little over 150,000 feet.

Q. Now, you were telling me about a tract right at Leech Lake. I wish you would tell it in your own way, about that tract.—A. That was on Shotley Brook. It was nearly a whole township that was not estimated at all. Nearly all the township had pine on it, and they didn't estimate it at all. It is down as agricultural land and this is where the man which I mentioned a little while ago, Pat Miland, took his claim; and most of the land was taken as homestead, that is, where most of the pine was not estimated; and also some outside of Red Lake too; some was taken as homesteads in there; there was pine on that.

Mr. GRAHAM. Was it good merchantable pine, large trees?

The WITNESS. Sure, just as good as any other trees.

Mr. GRAHAM. When was this?

The WITNESS. That was in 1894 or 1895, somewhere along there.

Mr. GEORGE. How did you know this?

The WITNESS. Well, I know I am pretty well acquainted with these homesteaders out there, and they tell me all.

Q. Do you know anything about the Crookston sale? Did you ever hear about it?—A. Yes; I heard something about it.

Q. Do you know of a large tract of land that was sold there, and afterwards a contract was made with other parties to cut it and haul the timber to the landings? I wish you would tell about that.—A. Yes; I know—that is, through hearsay—in regard to that. That is a fellow by the name of John Gracey, he told me about this. He was running the lines for that company. This lumber company bought that district here called the Nebish district. It contains a few sections, something like three or four, and he bought six sections—that is, he bought the pine or those lumbermen—and he has 75,000,000 on it; and later on he gives a contract to certain parties, Holloway & Richardson, to cut this timber for 300,000,000 feet, off of that Nebish district. I got this information very direct, from this man who took the contract—a fellow by the name of Richardson. So they were allowed to cut this timber in seven or nine years, I don't know which, somewhere along there.

Q. Three hundred million feet?—A. Three hundred million feet. They built a railroad there.

Q. And you say he had bought that for seventy-five?—A. He bought it for seventy-five million.

Mr. GRAHAM. And it cut four times that much?

The WITNESS. Yes, sir.

Mr. BEAULIEU. Well, that is all.

Examined by Mr. GRAHAM:

Q. Now, who was to blame for this?—A. Well, personally I would blame the Interior Department myself.

Q. But can't you locate it more specifically than that? What individual was to blame, do you think?—A. Why, in the first place, that is, according to the Nelson Act, the Indian Department was required to get competent estimators to estimate this pine.

Q. Well, didn't they?—A. Well, I guess not. I think they admit themselves that some of these estimators were not competent to do the work.

Q. But suppose they were capable, knew how to estimate, and didn't act honestly, how could the department avoid that? The department can not make individuals honest, can it? In other words, can you tell us whether the men they chose were incompetent, and didn't understand their business?—A. Why, of course, they were incompetent; they didn't know their work at all.

Q. They didn't understand it?—A. They didn't understand it at all.

Q. Do you know that apart from the estimate they made in that case, or do you assume that they were not competent because they made a bad estimate in that case?—A. Well, they admitted themselves that they were not competent to do the work.

Q. To whom?—A. To the inspector who was out there and inspected those works.

Q. What was his name?—A. J. George Wright, I think it was.

Q. Do you know if he made a report?—A. Yes; I think he did.

Q. To the department?—A. To the Indian Department.

Q. About what time was that?—A. Somewhere along in 1894 or 1895.

Q. How did you learn about his report?—A. I heard about these things through some other parties.

Q. But from what you learned yourself, Inspector Wright came out here and investigated this matter and made a report in writing to the Indian Bureau that the estimators didn't understand estimating?—A. Well, they couldn't—I mean like this: They couldn't explain themselves—these estimators. Why they didn't estimate certain tracts of 40's which had some pine on, they didn't report on those; they had pine on those 40's and they couldn't explain themselves why they didn't; and finally they admitted themselves that they were——

Q. Well, to get to the point again: You think it was not dishonesty on their part, but incompetency that caused them to make such poor estimates?—A. I don't think the men were dishonest, nor anything of that kind, but I think it was just on account of their not knowing how to do the estimating.

Q. Did they ever get the estimate too big?—A. I never seen and never heard anything of that kind.

Q. Well, if it was pure incompetency, wouldn't they be likely to get it wrong on the other side once in a while?—A. Well, sir, I never heard of anything of that kind where they overestimated.

Q. What do you think; if they didn't understand business and went wrong on that account, wouldn't they sometimes go wrong one way and sometimes the other way?—A. Why, naturally they would.

Q. Do you know of any case where they estimated it too high?—A. No; not in any place at all.

Mr. BURCH. If we understand his testimony, it is practically a little bit explanatory of the J. George Wright report, which we offered in evidence some time ago and which Mr. Beaulieu has also referred to. It is a simple explanation or confirmation of that report.

WILLIAM O'NEIL, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name.—A. William O'Neil.

Q. Where do you live?—A. Cass Lake, Minn.

Q. How long have you lived up in this region?—A. About eight years; perhaps a little longer.

Q. During this time what has your business been?—A. Superintendent of logging on the ceded Chippewa Indian lands in the State of Minnesota.

Q. Were you in the employ of the Government?—A. Yes, sir.

Q. Did your employment by the Government begin then?—A. My commission is dated the 29th day of September, 1903.

Q. Was that your first employment in the Government service?—A. No, sir.

Q. How long have you been connected with the Government service in any capacity?—A. Well, a good many years in different capacities. I have been soldier five years.

Q. Well, I don't count that.—A. I went into the Government service on the Indian reservation, in Bad River Reservation, in the fall of 1899, and I worked continuously in that work since.

Q. Since that time you have been engaged in expert timber work?—A. Yes, sir.

Q. Before that time had you any experience in timber work with the Government or individuals?—A. Yes, sir; my life has been mostly spent in the woods.

Q. In what line?—A. Well, from a swamper at ordinary labor to scaler and check scaler and cruiser; different work in the woods.

Q. All together, how many years have you been in that line of employment?—A. About 30 years.

Q. You consider yourself an expert, of course?—A. In the raw material, in the log, yes, sir; on the woods work.

Q. Well, that extends, does it not, to the sawing of logs into lumber?—A. I have a fair knowledge of that, but my work has not been in the manufactured material as much as in raw material.

Q. But in estimating and scaling, measuring, all up to the sawmill, you have had a very wide experience?—A. Yes.

Examined by Mr. BEAULIEU:

Q. How many employees do you have under you at Cass Lake?—A. Would you like me to bring some papers out here, that I might refresh my memory [producing papers]?

Q. Yes; certainly. How many employees have you under you?—A. I have at present 24 scalers, I think, 4 assistant superintendents, and 3 clerks.

Q. How much do the scalers receive?—A. $90 per month.

Q. Do they have to pay their own expenses out of that?—A. No, sir.

Q. How much do they get for expenses?—A. Oh, that amounts to a very few dollars, going and coming from camp. Sometimes, I think, a dollar or half a dollar, and where they go any distance $2 or $3.

Q. Do they pay their board out of the $90?—A. No; we have a contract with the purchasers of the timber on the ceded Chippewa Indian lands that the scalers will be given board at the several camps.

Q. Where they scale?—A. Yes; where they scale.

Q. And that, in consideration of such information as may be furnished by those scalers as to the length of logs or other matter which they are required to do by the Government, they will be given board at these camps?—A. Yes, sir.

Q. In fact, they are given board by the lumber company for whatever assistance they give them, just to furnish the length of logs, etc.? They are employed by the lumber companies and the Government also?—A. No, no; the lumber companies do not pay them anything except the board. They get that for the work that they may do, or if they do no work they get their board anyway.

Q. What are the duties of these assistant superintendents?—A. The timber is mostly sold, as you are aware, I suppose, by sections, and it is their duty to divide the different sections, and sometimes sections may have Indian allotments or agricultural lands in some, and they see that it is properly subdivided, and the prices go by sections mostly; and to see that the timber is cut low on the stump and high into the top; that all good merchantable timber is removed; that the brush is properly piled and burned; and that the logs are properly scaled and checked.

Q. Who were the check scalers?—A. Well, those are the assistant superintendents and check scalers.

Q. They are the assistant superintendents?—A. They are the assistant superintendents; yes. John W. Caldwell, Frederick Rayburn, Millidge W. Crocker, and Charles E. Barberry.

Q. And are these check scalers selected or appointed?—A. They are appointed by the Secretary of the Interior.

Q. Who selects them?—A. I have.

Q. Are there any other check scalers besides these four superintendents?—A. Two Indian check scalers appointed, I presume, by the Indian agent or the Indian Department and the chiefs of the tribes. I don't know how they are appointed.

Q. The chief of the tribe, you say?—A. I can't say whether they do; I presume they do.

Q. Are these check scalers Indians or white men?—A. White men.

Q. These two that you speak of?—A. Yes.

Q. What are their names?—A. I am not positive; one is John F. Bartlett, I think, and the other man's name is Fulton, I think, but I am not sure of his initials.

Q. Are these two check scalers included in the 24, the number you named?—A. No, sir.

Q. In addition to the two check scalers have you 24 scalers?—A. Well, I have not; no.

Q. I mean under you.—A. These men are not under me.

Q. I mean the 24 scalers.—A. Oh, yes; they are under me.

Q. Now, what do your check scalers receive per month?—A. Their compensation is fixed by the Nelson law, or the amended Nelson law.

Q. How much is that?—A. $4 per day and $2.50 in lieu of subsistence.

Q. How many camps are they scaling in?—A. I think 27 [examining paper]. Do you want it more accurately than that, Mr. Beaulieu?

Q. Yes; I would like to get it as near as possible.—A. Well, I think that is right, 27 camps.

Q. Twenty-seven camps and twenty-four scalers?—A. Yes, sir.

Q. How many scalers does the State use for an equal number of camps?—A. I don't know: the State does not number logs, but you know——

Q. No; I don't know.—A. The Government, you know, requires that each and every log shall be numbered upon one end, and when the scaler scales the log and places the number, opposite that number is the number of feet which the log contains of merchantable lumber. The State sometimes, I understand, does not require that numbering.

Q. Are 24 scalers kept pretty busily engaged?—A. Sometimes, and sometimes not. There are cases where the camps are some distance from another camp and it is impossible for one scaler to scale more than one camp, it being too far for him to reach. Therefore we have to have a scaler in the camp where there is sufficient work for him.

Q. Then you have one scaler at almost each camp?—A. Yes, sir.

Q. And he is kept quite busy?—A. Well, most of them are; yes,

Q. Now, is he kept so busy these days that he can't go to some other camps? Couldn't one scaler attend to about four camps?—A. No; I don't think so; those cases would be very rare.

Q. Well, are those scalers pretty well checked up?—A. Pretty well; yes. They try to keep them all checked up.

Q. Could 2 scalers check up 24 scalers, where you say 24 are kept pretty busy; can 2 check scalers check up in a good, fair way what 24 are kept busy with?—A. If they work hard they can keep pretty fair check on it.

Q. If they work hard they can keep pretty good check scale on 24 scalers. Then 24 scalers have to work hard themselves; is that true?—A. Yes.

Q. It would tax the energy of 2 check scalers to keep up with the 24?—A. Well, you don't understand. They don't scale all those logs; they probably go in and scale one or two hundred, maybe, in a week, on one particular scaler. Well, that particular scaler may be scaling a thousand logs a day.

Q. So they just casually go over them?—A. Exactly. They dip in here and there.

Q. Do you know anything about the Wisconsin plan?—A. Yes; I was superintendent of scaling there for four years.

Q. I wish you would explain briefly what that Wisconsin plan is.—A. The manufacture and cutting of timber, etc.?

Q. The cutting of timber, scaling, etc.

Mr. GRAHAM. Do you expect a different explanation from him than the ones we have already had?

Mr. BEAULIEU. Yes; he is familiar with it, but I don't know but what——

Mr. GRAHAM. We have had so many, and some very good explanations. Do you want one more in the record?

Mr. BEAULIEU. No; then I will not insist upon the explanation.

Mr. GRAHAM. Unless you expect something different.

Mr. BURCH. Mr. Chairman, I would like it, because I am frank to say that I have not found any method in the Wisconsin plan yet. If this man can give us one from an experience point of view I would be glad to have it.

Mr. GRAHAM. So far as it can be called a plan, I think we have had it described very fully; but if you think not we will let it go in.

Mr. BEAULIEU. I can not recall that we have had it described fully.

Mr. GRAHAM. Well, we have taken shots at it a great many times.

Mr. BURCH. But we have not hit it once.

Mr. GRAHAM. Very well, go ahead.

Q. Now, explain the Wisconsin plan.—A. Do you mean the O'Dana or Bad River proposition?

Q. Yes; what is known as the Wisconsin plan.—A. The form of buying and selling and handling the product, etc.?

Q. Yes.—A. Well, as I understand it, the land on the Bad River Reservation is now in severalty all allotted; the timber belongs to the individual Indians. The Government offered the same—I presume it was for sale to the highest bidder, to be manufactured upon the reservation.

Mr. GRAHAM. The proposition being to give the Indians on the ground employment in the manufacturing of it?

The WITNESS. Yes, sir. The timber is cut by allotments; that is, the unit in scaling and looking after cutting over on the reservation, as differing from here. Here it is by section; there by allotments. Each Indian has his particular allotment and those are cut by the lumber companies' scale and the proceeds passed into the hands of the Indian agent. As to how it is returned to the allottee, I don't know. That is not in my province.

Mr. BURCH. How the money is returned?

The WITNESS. Yes; that it is in my province. I don't know that.

Mr. GRAHAM. The testimony heretofore has tended to show that this is the particular feature that Mr. Beaulieu criticises: that the money is doled out from time to time to the allottee in such a way as to lead him to think that he always has a fund to draw on, and thereby it keeps him from getting out and hustling for himself. That is your idea, is it not, Mr. Beaulieu?

Mr. BEAULIEU. Yes.

The WITNESS. I presume that is the case if it is paid out in small amounts, unless there are exceptions where a man makes application that he is perfectly able and competent to handle his own money, that he can get the consent of the Secretary of the Interior or President to handle his own money and expend it as he sees fit. Of course, there are a great many details, but so far as the scaling and handling it is no different from here. They use the Scribner rule, and the scale is similar to the scale here.

Examined by Mr. BURCH:

Q. Something was said by Mr. Winters, or somebody at Minneapolis, indicating that some of the timber was classed as bad timber, or shingle timber, or something of that kind; passed into a certain class and paid for at a less sum than the green or other timber, and that everybody took a chance by improperly classifying in the log the cheaper class of lumber, lumber that should apply in the upper or better class. Now, what do you know about that?—A. After I took charge of the reservation in 1899 I found what they called the shingle-timber clause in the contract. Under that shingle-timber clause any unmerchantable timber, as they put it, should go into the shingle-timber class at the rate of 65 cents per thousand. I found, upon examination of the books, that from about 35 to 38 per cent of the entire cut had been going into the shingle-timber clause at 65 cents a thousand. They were paying at that time $2, I think, for Norway and $4 for white pine. I informed the Indian agent there—I asked for the authority. Then there was a rule that any log that had less than 38 per cent of merchantable timber in it was a timber log and should go into the shingle-timber grade. I inquired of the Indian agent whether that was part of the contract, and he said it was made by the former agent before he came there, Capt. Mercer, and he had allowed it to go on, as he supposed it was the proper thing. I advised him that the shingle-timber class was only meant for logs in which there was no merchantable lumber whatsoever, and to cut out the shingle-timber clause entirely; that it was, in my estimation, a cull log in which there was no merchantable timber, an absolutely rejected log, and if they cared to pay 65 cents per thousand for them, let them take it; but if there was 10 feet of merchantable timber in a log it was merchantable at full price.

Mr. GEORGE. Is this a part of the Wisconsin plan?

The WITNESS. Well, that was in 1889. Up to that time it had been in the contract that they would pay 65 cents per thousand. The shingle-timber clause has been eliminated for the four years that I was there and I presume it is yet.

Mr. BURCH. Now, I understand it, and that is the first time I have known what it was.

Q. Do you know whether any attempt was made to use that plan in this State or not?—A. Well, I have heard that the timber on the White Earth Reservation was to be sold under the O'Dana or Bad River plan.

Q. Do you favor that plan?—A. It would depend. If I am allowed to explain why, I would say under certain circumstances.

Mr. GRAHAM. It would depend on what?

The WITNESS. On what would be the future policy in regard to the Indians. If they were to be under constant Government supervision and incapable to take over their land and attend to their own matters, live or die, sink or swim, with the rest of us, or whether the Government would go on supervising them; if we were going to keep them under Government supervision, I would favor the O'Dana plan. On the other hand, if the Indian was to be considered as an American citizen and able to handle his own business and make his own way in the world, I would allow him to sell his timber as he saw fit and use his money as he saw fit and fight his own battles in the world, just depending on how it was looked at.

Mr. GRAHAM. If you were the "whole thing," which course would you pursue?

The WITNESS. I would first take the older Indians, the incompetent ones, the full bloods especially, and prepare them for self-support. The half breeds and men who are reasonably competent, especially under 60, I would let them take care of themselves.

Mr. GEORGE. But those who don't take care of themselves, how long would you have the Government take care of them?

A. Well, just as long as they absolutely were incompetent and could not take care of themselves, the Government would probably have to.

Mr. GRAHAM. Would you make any other provision for them than for whites who can not take care of themselves?

The WITNESS. No other than for the white people.

Mr. GRAHAM. The jail, the poorhouse, or the grave?

The WITNESS. Yes. We Irish people had to fight our way through just the same.

Mr. GRAHAM. Well, did you get through?

The WITNESS. Well, all the way from Congress to the penitentiaries; but we have gotten along.

Mr. GRAHAM. Some got through and some are getting through. Proceed Mr. Beaulieu.

Q. How long did you say you had been with the Indians; around among the Indians?—A. Well, I was born in Wisconsin and always been where there were Indians.

Q. During that time have you ever seen an Indian in the poorhouse, that you recall—A. No; not that I can recall.

Q. During all that time did you ever see an Indian that was destitute; that was not at least living as well as people who live like the

Indians—without any employment?—A. I have always thought that he stacked up with the average man.

Q. Mr. O'Neil do you think that it is necessary to employ 24 scalers in——?—A. Yes; I must, under the rules, have at least that many.

Q. Now, do you think it is necessary to employ four superintendents?—A. Yes; in order to see after the lines. The sections there are sold by the quantity of timber and its nearness to the wharves or streams; but we must see that these logs are not mixed from section to section, that the log is cut low on the stump and well into the top, and that will keep these superintendents busy; yes, sir.

Q. Have you relied entirely upon these superintendents?—A. No.

Q. You have to look after it yourself?—A. Oh, yes; some.

Q. Did you ever know of a large amount of timber being taken off the reservation up there—logs—and no report made?

Mr. GRAHAM. Do you mean taken unlawfully, without any accounting being made?

A. No; I don't. I do know, I presume, that something like 1,200,000 feet of culled timber was removed from sections 16 and 21 in the summer of 1905, but the matter was reported, and is in the scale books in my office to-day. They were scaled full scale. That was a very rotten section, section 16, on the Cass Lake Reservation. It was the largest section of timber that we cut on any reservation—section 16. The Government estimate upon the same of good merchantable timber was twelve million and some hundred thousand feet; and we cut and removed from section 16 fourteen million and some odd thousand feet, but still there was a tremendous amount of culled logs left upon the ground lying waste, although in the next section, alongside that waste, is what they call the Ten Section Reservation around Cass Lake, on which timber is not to be cut; but, as I understand it, is to be kept as a national park. Lying north of that is a portion also; that is, timber that has not been paid for to the Chippewa Indians.

Q. That is a million and a half?—A. No; but that is standing timber that has not been paid for. In talking to the forestry people, Mr. Bruce, in charge of that, told me that it was going to make trouble—so much culled lumber lying on the ground—and he wished it could be removed. I said, "Why not get it removed; why not burn it?" "Well, it would cost too much money," he said. I said, "I will see if I can get this lumber company to remove this timber, providing they don't have to pay for it." It was already written cull, as being not merchantable. "If you do," he says "you will get into trouble. Logs loaded on cars and going off the reservation; people who don't understand will say you are stealing the timber." I said, "Well, I will take it up with the department." "If you do, you will be turned down," he said, "they won't stand for it, either." Well, I made arrangements with the Standard Lumber Co., who were then removing logs and scaling logs at full scale, and recommended to the department that they be not compelled to pay for the same, as they had really been culled. Mr. Bruce, of the Forestry Reserve, said it was in their interest, and that if there should be a bad fire get into that standing timber, this would be a good thing. The department called me down. I was reported for it, and an investigation was made by the assistant commissioner. I think he came from Washington. The Chief of the Field Division, the Indian

agent, Mr. Scott, and many more made a thorough investigation after about 1,000,000 had been removed, and they ordered it stopped. I think the report is not here, but it is in my office, in which the commissioner told me that I had done wrong; that while that timber was useless, and the record showed it to be, it would put the department under criticism for allowing the timber to be removed unless something was paid for it. After the merchantable timber had been already removed and had gone forward I notified Maj. Scott, and he put an Indian inspector there to see that there was no merchantable lumber in it. Before we get through with that I will say that we only got a portion of the logs removed at that, and in 1908 we had the most disastrous fire that we had by reason of these logs that had been left there. We were 15 days fighting fire there. The Forestry Department, myself, and the railroad company—sometimes as high as 200 men—and we lost the only timber that we have lost since we have been in the business, by reason of those logs.

Mr. GEORGE. How much timber did you lose?

The WITNESS. We lost about 60,000 feet, I think, that burned up. Sixty thousand feet of the standing trees, in those sections of the reservation—board measure; that was the measurement made by myself and the Forestry Department.

Q. Who was the man that investigated that?—A. I never have seen the investigator. Mr. Pollock came from Washington.

Q. How was that disclosed to the department?—A. It was reported by somebody to the department; I don't know who; not by me.

Q. Was it not by a special timber agent of the department?—A. No; I think not.

Q. Or by a special agent of the Land Office?—A. Well, I couldn't say; it might have been, but I think not. I think that probably Mr. Warren could give you some light on that.

Q. I guess it was Mr. Pollock. Was he not located then at Crookston?—A. I don't know. I have not known a special agent in connection with it. Everybody was talking about it. They all knew about it.

Q. Did he not go there one morning and seize 10 carloads of merchantable timber?—A. I never heard of it. Mr. Samuel J. Coulter came there. He was there prior to my knowing that anybody was making any report about it and saw the timber.

Q. Did the railroad company haul that timber away for nothing?—A. That I couldn't say.

Q. Did they charge anything for hauling it away?—A. I presume they charged; I don't know about it. The railroad company that was doing the logging had to build some abutments for rolling their logs to Grand Rapids. A great deal of that timber is there to-day. I saw some of it there at Grand Rapids the other day.

Q. How much of it?—A. I think the record shows about 1,300,000 feet board measure, full scale; there was no discount, just the full size of the log.

Q. Did you ever hear of any logs being hauled away by the Northern Pacific road from Cass Lake somewhere to Brainerd?—A. Yes. There was in investigation, I think.

Q. What was the result of that investigation?—A. Will you let me explain that in my own way? I don't know anything but what I have heard, but it is a matter of record that there was an investigation on the matter. I think in the summer of 1905 I received a letter from Mr. Gummel, who was the general superintendent of the M. & I. road, as to the amount of timber that the Pine Tree Lumber Co., who had been logging at a place called Kabekona Bay, south of Cass Lake, had put in that winter for the Weyerhaeuser or for the Pine Tree Lumber Co. I read the affidavit put in, I guess. The exact figures were eighteen hundred and fifty and some odd thousands, and a few days afterwards I received a letter wanting me to make a second investigation of my books as it didn't seem to him that that was the proper amount; that there should be more than that. I wrote him again that that was all the timber shown by my books that the Pine Tree Lumber Co. had cut at that point. I heard rumors afterwards—well, I will tell you to illustrate: The next year after that I was traveling up the M. & I. road with a lumberman that I happened to fall in with at Bemidji, and he said, "We will go into the superintendent's car and ride with him. They probably have a deck of cards, and pass—I know you wouldn't use it—but they might pass a bottle, and we will go in and see him." He went in. I told him I didn't know him. He went in and came out a little while afterwards, and he said, "I guess, O'Neil, you can't ride in that car." I says, "What is the matter?" and he says, "That fellow says you are worse than any fraud that ever came over the pike. He says you stole a lot of logs last winter, and made them haul a lot of logs for 1,800,000 feet when there were pretty nearly 3,000,000 feet." As rumors kept coming in I asked the agent for some definite complaint and that some investigation be made by the department under the charge of Mr. Coulter. I couldn't unravel the mystery myself at first, that that was all that the Pine Tree Lumber Co. cut. The State scaler made an affidavit which went to Washington that he scaled 2,700,000 feet of those logs, or near 1,000,000 more than I had reported to the M. & I. that was cut over, and Mr. Coulter made an investigation. He was unable to discover where the trouble was until Mr. Tom Welch, a lumberman over there, and the Indian check scaler for Mr. Scott, the Indian agent, gave me the information that Welch and Gilmore, the contractors for the pine there, had cut that winter over 1,200,000 feet of allotment timber with the same bark mark on as these logs, and it was 1,850,000 feet cut off the ceded lands and 1,200,000 feet cut at Kabekona Bay: these logs had been taken to the Shingle Bay House, and the only logs of this mark that had been taken at that house, and the State scaler had found 2,700,000, and that Gilmore and Welch had cut the 1,200,000 and it had been mixed with ours, and the railroad company had supposed—they had asked Weyerhaeuser, as I understood it, how much timber they had there, and they told him to inquire of me, and he made up his mind that there was a steal there; that their man had found 2,700,000 feet when in reality there was 1,850,000 scaled by my man and 1,200,000 scaled by Tom Welch; and the records of the Indian Office showed the same, giving the number of the allotments and the sections upon which it was, and that the State scaler didn't find within 200,000 feet as much as we did. That is a matter of record in the investigation.

Q. Was not the reason that the Northern Pacific Railroad Co. found fault with that amount of timber being put in that contract on account of being compelled to haul that much more than they would otherwise?—A. Yes, sir; I presume they were hauling by the thousand, and they would be paid by my scale only for eighteen hundred and fifty thousand, when in reality there was nearly three million there.

Q. The company was not looking after the interest of anyone—it was looking after its own?—A. Looking after its own interest, that is all. He didn't care whether the Indian was beat out of a million or not, but he did care that his road was going to haul three million and only get paid for eighteen hundred and fifty thousand.

Q. Is there not a great deal of merchantable timber now being wasted upon the reservation?—A. I think not.

Q. I am only asking this because I saw a great deal myself last summer.—A. Where was that?

Q. That was around the vicinity of Big Lake and also between Leech Lake and Cass Lake.—A. I think you are right about that, Mr. Beaulieu; and I want to call your attention, if the committee please, to this: That quite frequently at the close of the season a good many logs are left in the woods, especially last spring, at that point you mentioned by the J. Neils Lumber Co., and it is our custom—has been and is—to do in the spring of the year, after the camps break, to scale all the timber left uncut in the woods found in large quantities, like it was there where you were speaking of. I have a memorandum here, left by the J. Neils Lumber Co. on Big Lake: Fifty-nine thousand four hundred and seventy feet of white pine, 582,800 feet of Norway—642,270 entirely—that was scaled and was reported to the J. Neils Lumber Co. in their June bill and paid for, as a matter of record. I will leave the copy of this for the committee.

Q. Was that scaled timber?—A. No, sir; mostly lying on the ground unscaled.

Q. Was all that stuff scattered through the woods?—A. Yes.

Q. Do they usually pay for that timber?—A. Oh, yes; that, you will find, is paid for.

Q. Do they make use of it or do they leave it on the ground after paying for it?—A. Such timber as that you saw is all put in now.

Q. And how did the timber up toward Bow Lake, around in that vicinity—up in the Bow Lake country?—A. The same principle from the beginning has been followed, and going over all the sections carefully, all the assistant superintendents, after the camps are broke, and scaling up of timber, leave upon the ground chunks, windfalls, tops that hadn't been cut high enough, and everything of that kind, and charged them up in what we called the pickup or timber left in the woods. That is put up at regular prices and billed out.

Q. I am not very familiar with that Bow Lake timber, but I will refer to a tract near Cass Lake—about 3 or 4 miles. Is there not a farmer who took a claim or a homestead there on the road to the mission? Do you know that place?—A. Yes.

Q. Now, did he not sell a large amount of timber after you had been there?—A. I can't say. I will give you some figures. Since the beginning of that work we were instructed by the department, probably through the work of Mr. Pinchot, on conservation, that this

timber should all be taken and cared for whether the lumberman took it or not. So after the work was over each spring we would go over it. We have taken up since the beginning—the first two years we put the pickup into the regular scale, but since that time we have kept it separate. On the Northland Pine Co., since the beginning, there has been 1,504,512 feet, most of it left in the woods after they paid for it. This belonged on the record in the office, and you will find the bills for all this. The Pine Tree Lumber Co., 191,479 feet, and so on down the line to the different companies, making, left in the woods, the amount that they have a right to take up as long as their contract exists, but few of them have done so. Now, 5,112,594 feet, at an average price, makes $30,000 worth of timber left by the lumber companies in the woods for which they have paid the Indians. In some cases they have gone back and gotten it, but in a great many cases it lies there to-day.

Q. Regarding the timber between Long Lake and Big Lake, when was that scaled?—A. That was scaled last spring, after the J. Neils Lumber Co. quit logging.

Q. Do you know in which months it was scaled?—A. I couldn't give it; the record will show. Didn't I give you a copy of that bill? The date of the bill is in June. It was probably scaled in May. Most likely; I wouldn't be sure.

Q. You put the number of feet in each log, do you not, after the Morris Act?—A. In the woods on these pick-ups we put down the amount in the book, but we don't number the log, because that is being done by the assistant superintendents themselves, and we don't put a number on them.

Q. Doesn't the law provide that each log shall be numbered?—A. Yes; but they are hard to get out.

Q. The log has a mark giving the number of feet; also the number of the mark and the bark mark; is that not a fact?—A. Each log is to be entered in the book giving the amount of feet in on the end of the log.

Q. Well, isn't each log marked in some way to designate it from the other log and logs sold to the different firms?—A. You mean the bark and stamp mark?

Q. Yes.—A. Yes; they are supposed to be.

Q. Well, don't they also have a mark at the end of each log giving the number of feet?—A. No; that is the number of the log.

Q. What is the object of marking the end of the log with a colored pencil?—A. That is to show that it has been scaled by the assistant superintendents, not subject to revision.

Q. All logs, then, that are scaled have the mark on?—A. No; all logs that are scaled by the scalers have that mark so as to give the assistant superintendent or any others a chance to test the scale. The logs scaled are left in the woods in the spring. Most of them have a pencil mark to show they have been scaled. In the fall, when they begin hauling logs, the old logs are not scaled because they have been scaled in the woods, and they only scale the fresh logs, because these superintendents have gone over the ground and have checked up everything, so that all old logs are scaled.

Q. But how are the superintendents to know that these logs that were left in the woods were scaled the previous winter? How are they to know the next winter?—A. Because all the old logs that

come on the landing from the woods at the beginning of the next season's drive are scaled whether they are marked or not, because the ground has been gone over by the assistant superintendents and every log left has been scaled. Sometimes they are in such shape that they can not put a pencil mark on them. They are supposed to put a pencil mark on them if they can, but every log going to the landing is scaled.

Q. Well, wouldn't the lumber companies be paid double price for the logs?—A. No. Now, take those logs that you saw on Big Lake. This fall, at the beginning of operations, the J. Neils Lumber Co.'s foreman picked them up and put them on the skids and hauled them to the landing. Now, you can tell the difference; you can tell all these logs were scaled. They have all been scaled and paid for by the J. Neils Lumber Co., and they only scale the fresh logs as they come in.

Q. If the pick-up logs are scaled and left in the woods, how are scalers to know when they come to the landing whether they have been scaled before or not?—A. Why, all old logs are scaled when they reach the landing.

Q. But you say they are all scaled when they come to the landing the following season?—A. Yes.

Q. How would they know the difference between those that were scaled the winter before and those that were not?—A. The new logs would be new-cut logs. There is no chance for dispute. A log that is cut a year before shows plain on its face.

Q. You wouldn't require the companies to pay double——A. Why, they have paid for it, and it is their property and has been since the spring before.

Q. What I am trying to get at is this: You state that all the logs that were brought down were rescaled.—A. No; they are not rescaled. They are scaled in the woods, and it is only the fresh-cut logs that are scaled.

Q. Why don't they scale the fresh-cut logs in the woods—the way they do those?—A. They do at times in the fall when they can. They scale on skids and one scaler can not follow it all, so he scales what he can in the fall there, and then he moves on to the landing and scales the balance of them there.

Q. I don't quite understand that answer.—A. I presumed you were a logger, Mr. Beaulieu.

Q. I am not a logger.—A. Well, put Mr. Warren on here or Mr. Fairbanks, who are loggers, and they understand.

Q. It makes no difference. So that the timber that is scaled on landings is accounted for on the landings?—A. Yes.

Q. And that scaled in the woods is accounted for in the woods?—A. At the time the camp is in operation all logs are scaled each day and reported into the office and paid for.

Q. In the woods?—A. No, no; this scale on the landing.

Q. Well, why is it necessary to scale in the woods and on the landing also?—A. Why, I explained that once. You have a section line that you are logging on and you may have a road running through the center of it that branches out to the different parts of the section. They may have in the fall, when they are skidding this timber, as high as three or four decking crews skidding these logs up. They have a scaler in there who can probably only follow one or

two of the decking crews in there, because we want to keep track of the land, so that they will not transfer logs from one section to another, to see that the brush is piled, and look after the going and coming on the skids as much as he can. And then he goes to the landing when they commence to haul and scales the balance of the logs that were unscaled as they came down. He has scales provided with the number of the section on the other end, so he knows that has been taken care of, and he takes the logs that are unnumbered and scales them.

Q. What is done with those that are left in the woods—that I saw myself personally?—A. They would be old logs. They are on the landing now. They were to haul that 600,000 feet the first thing this fall. They do nothing, because they know that those are scaled; they are informed by the assistant superintendent that they are scaled and paid for.

Mr. GEORGE. Supposing you are going to start now in a piece of timber, you start your men out to cut the trees, and you have a scaler there who scales as fast as he can, but he can not scale as fast as the wood is cut?

The WITNESS. No.

Mr. GEORGE. Then, just as fast as he scales the timber is carried away.

The WITNESS. No; it is piled up ready to be carried away and piled on skids.

Mr. GEORGE. It is carried off and no notice is taken at the landing, but after that marked timber is all carried away from the landing, still some lumber may be carried to the landing for that year. Is that timber marked?

Mr. BURCH. You have gotten the wrong idea, I think.

Mr. GEORGE. I want to get it straight.

The WITNESS. Now, Mr. Beaulieu, as to logs in the woods——

Mr. GEORGE. Never mind that. How did you scale this in, and how do you know just what you are to do? I don't quite understand myself.

Mr. GRAHAM. Well, now, carry me along, too, as you go. What do you mean by landing?

The WITNESS. That is where the logs are put upon the ice for passage either by lake or rail to the point of manufacture.

Mr. GRAHAM. Now, then, the point in the timber where you pile them or skid them is not the landing?

The WITNESS. No, sir; that is the skidway.

Mr. GRAHAM. When they are getting them together at the skidway, as many of them as the scaler can handle or get on the scale and mark as scaled?

The WITNESS. Yes.

Mr. GRAHAM. And he is not able to keep up with the workmen?

The WITNESS. No.

Mr. GRAHAM. And some of them are not marked as scaled until they reach the landing?

The WITNESS. Yes; yes.

Mr. GRAHAM. Then he goes over on the landing and he finds these that are not marked scaled and he scales them.

The WITNESS. Yes; they are usually hauled in.

Examined by Mr. BURCH:

Q. Now, after these logs are put upon the skidways—not the landing, but the skidway—there are more left around that are not picked up in the woods?—A. Yes, sir.

Q. Consequently, because they have not been brought into the skidways, they have not been scaled?—A. No.

Q. After the skidways are cleared and they are gone to the banking ground, and the spring comes, the check scaler goes into the woods, surveys the woods over, and scales them up and, in addition to the other, he scales any timber that they ought to have cut farther up into the limbs of the trees, or that they have left uncut?—A. Well, I will give you a job, sir.

Q. I am a lumberman myself. Now, those logs must be paid for just as much as those that were scaled and taken out?—A. Yes, sir.

Q. It is up to them whether they take them out or not?—A. Now, in order to show that we gave them a chance to get this timber, the superintendent who scales these cut logs left in the woods makes a record, showing how much timber he scaled that was left in the woods on that particular section, going by forties—marked out by forties—and show what part of each forty it was left on; if it was standing trees he marks down what it is; if it is windfalls he marks "Windfalls scaled here," and that is furnished to the contractor or purchaser, so that he can go back before the expiration of his contract, if he so desires, and pick up those logs; but he must pay for them; they are charged to him then.

Mr. BEAULIEU. Well, I don't understand enough about logging to get Mr. O'Neil to explain just what I was trying to get at. I will let him go at that. Do you look after the allotment cutting?

The WITNESS. No, sir.

Mr. BEAULIEU. That is another man.

The WITNESS. You see my work is in the Land Department. The allotment timber is in the Indian Department. I am in the employ of the Land Department.

Mr. BEAULIEU. If I had Mr. Farr's knowledge of this timber matter, I think I could get what I am after.

Mr. GRAHAM. You can get it from Mr. Farr to-morrow.

Mr. BURCH. We have no questions.

The WITNESS. Mr. Chairman, would it be too imposing upon the committee to just give me a moment?

Mr. GRAHAM. Is it something you wish to volunteer?

The WITNESS. Something I wish to volunteer.

Mr. GRAHAM. Something you think has a bearing upon our work?

The WITNESS. Yes, sir; the expenditures in the Interior Department; I understand that is what you are interested in.

Mr. BEAULIEU. I forgot to ask Mr. O'Neil one question. I would like to have the committe ask about it, and that is: From what source he receives the funds that he pays to the employees who assist him; is it a general appropriation or from some fund other than the appropriation?

Mr. GRAHAM. What fund do you draw on to pay your employees?

The WITNESS. From the surveying and allotting Chippewa Indian fund. It is an Indian fund taken from the money that I turn in. Now, remember that I receive no moneys at all. I bill this out to

the several purchasers what they shall pay each month, and I see that the check is sent to the Indian office; that is all. I handle no money except what I am allowed to have as an employee of the Treasury Department—or what do you call that disbursing agent? I have a fund in the Second National Bank of St. Paul from which I pay my employees; that is the only fund I am allowed to have in cash. No payments are made to me, except that money which is put there in the bank for me to give my employees.

Mr. GRAHAM. You are required to draw on that fund by check?

The WITNESS. By check; yes.

Mr. BEAULIEU. Now, as I understand it, you turn in the sums that are paid you by checks?

The WITNESS. No: it is not paid to me; they must pay to the Indian agent.

Mr. BEAULIEU. To the Indian Office. The Indian Office takes whatever it thinks necessary out of the fund and turns the balance into the Treasury?

The WITNESS. I don't know what they do with it. I have not the handling of it at all. I want to say that my friend, Mr. Beaulieu—and possibly others—Mr Beaulieu has a newspaper up there, and I am glad to note that since we have been sitting here in the last two or three days, that he must have been a lawyer also, and a man of repute——

Mr. BEAULIEU. Not a lawyer.

The WITNESS. Among his people here; has made some remarks in his paper. I think he doesn't understand the situation.

Mr. GRAHAM. I don't think we will give you much time for that, Mr. O'Neil.

The WITNESS. All right, then, we will cut that out. I just want to say this, that we have up until to-day 956,827,373 feet, up to the 1st day of February.

Mr. GRAHAM. From what land?

The WITNESS. We have cut that much timber from the ceded Chippewa Indian land upon the several reservations, and there has been turned into Indian money $6,343,227.91. The total expenses up to date for that amount—that is, the total moneys I have paid out for surveying, fighting fire, looking after trespassers, taking care of these pick-up logs, paying for scaling and line running in those years—has been about 4¼ per cent—4.23 per cent. In other words, I turned in to the Indian Office that total of six million and odd dollars and have taken out of that 4¼ per cent for expenses; or, in other words, for every dollar that has been received from the timber we spent 4 cents and the Indians received 95.75. It seems to me that that has been a fairly economical piece of work, when you consider that the timber is scattered; and I want to follow this for your information. The only report which we get out every year, going into the details, how much it costs to burn the brush, how much it costs to fight the fire, and how much it costs for the surveys, and these other things—we have collected $22,000 for small trespasses on Indian timber—and that gives you the items of all that sort of things. And Mr. Warren and one or two others of the Chippewa Indians have asked me for those reports, and I have given them those reports about it, and every Chippewa Indian who is interested in looking

up can learn for himself about this, and I invite you to come up, anyone who wants to know anything about it; there is no trouble to find out.

Mr. BEAULIEU. What objections were there to the Indian timber scalers that were appointed by the department?

The WITNESS. None; no objection from me; not from me; no, sir. Mr. Bungo came over and told me that he had been appointed and reported to me, and I said that he must report to the Indian agent. That is the man I assume you mean. I will give you every facility to scale or check scale.

Mr. BEAULIEU. Julius Brown?

The WITNESS. Julius Brown came over there very frequently, and he will tell you that I told him the same thing. I was called away, and I never saw him again.

Mr. GRAHAM. Were not these two men regularly appointed by the department, if you know?

The WITNESS. Mr. Bungo showed me his commission; yes, sir.

Mr. GRAHAM. Did Julius Brown show you his?

The WITNESS. No; but he told me he had been appointed, and I presumed he had the commission.

Mr. GRAHAM. Do you know why they did not go to work?

The WITNESS. No; I don't; unless it may be by hearsay.

Mr. GRAHAM. Do you know that way?

The WITNESS. I know that the Indian Department had considered them competent scalers.

Mr. GRAHAM. How did Bungo get his commission?

The WITNESS. I couldn't tell you. The commission came through the Indian Office, I presume. I don't know anything about it. Maj. Scott told me he didn't consider Bungo a competent scaler.

Mr. BEAULIEU. Julius Brown was not appointed under Maj. Scott?

The WITNESS. No, sir; I think later, under Fraser.

Mr. BEAULIEU. Why wasn't Julius Brown put to work?

The WITNESS. I have never heard why. Brown had worked with me and I found him a competent man.

EDWARD L. WARREN, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. Where do you live?—A. Beaver Dam, Minn.

Q. Have you lived in this part of Minnesota long?—A. All my life.

Q. What is your business?—A. I am in the general mercantile business.

Q. Have you been very long?—A. Two years.

Q. Have you been interested in logging?—A. Yes, sir.

Q. How long?—A. The greater part of my life.

Q. Are you an expert in that business?—A. I don't claim to be an expert.

Q. Have you had much actual experience in the work of logging?—A. Yes, sir.

Q. What kind of work have you done in connection with timber work and logging?—A. I have contracted, bought logs, and sold logs.

Q. Have you ever done any estimating or scaling?—A. Yes, sir.

Examined by Mr. BEAULIEU:

Q. Do you know about the Red Lake sale that took place at Crookston?—A. I attended the last sale.

Q. I wish you would explain to the committee just what took place there.—A. At that sale—I went to Crookston for the purpose of seeing the outcome of the sale. The reports went over the country that they always pooled a sale of Indian timber; that is, the sale. I was interested and I went there to witness this sale. The sale started out in the morning. They started buying, and one man bid for nearly every forty—it was sold by forties—and he got pretty nearly everything up until dinner time. I did not know him. I knew a lot of the other buyers—Weyerhaeuser and Shevlin—they were all there, and he bought everything that came up—very nearly everything until dinner time. They went to dinner and went back to the land office and started bidding. There was a big forty of timber that run up into the thousands of dollars, and Tom Shevlin was bidding against this man—he was getting all the timber.

Mr. GRAHAM. Did you afterwards learn who he was?

The WITNESS. His name was Clarke, and when this big 40 came up they fought it all the way through. Finally Tom Shevlin took a piece of paper in his hand, and he threw it on the floor, and he says: "Take your old 40; I don't want it," and he walked out. A few minutes after that a stranger came in and touched Clarke on the shoulder, and he walked out of the land office with this man, and he was gone perhaps 30 minutes or longer. Clarke had a cruiser there by the name of McMullan, and Clarke returned to the room and took a seat alongside his friend and never made another bid. The sale went on all the afternoon. They sold all the timber, and finally we went to the hotel and I got hold of this cruiser of Clarke's, and I asked him why he didn't bid any more after he went out and came back, and he said, "We got, we wanted"; and I said, "Why didn't you make another bid after Clarke was called from the room?" and he said, "Well, I tell you, we got our price," and he said, "It doesn't make any difference." I said, "What did you get?" and he said, "It doesn't make any difference to me; we got $20,000, and they took all our timber that we had bought." That was the conversation that I had with McMullan, this cruiser, and so I made up my mind that the whole thing was pooled; you could notice it in the bidding as we went in there. There would be perhaps one or two bids; they had it located in different parts of the country, and each of the lumbermen would not bid against the other fellow. I reported the facts to Capt. Mercer, at Leech Lake, and he reported it to the department, and the same was tied up.

Q. And it was not approved?—A. That was the experience I had there at that sale.

Q. Was there a proposition made to you to pool with anybody?—A. No; there was no proposition made me to pool, but John Lynch, he was there in the interest of the Kelly Lumber Co., and Mr. Hatcher asked me if I would go and bid on some of this timber. I first refused. I was just there to look at the sale; I was there in the interest of the mixed bloods, the Chippewas; I was in the Government service, and I was deputy United States marshal.

Q. Did you learn anything about the estimating of that timber or the way it was estimated?—A. The estimating of it?

Q. Yes; prior to the sale?—A. Well, nothing, only just what was rumored, that there were incompetent estimates made on this timber.

Q. Were you not chief estimator at one time?—A. I was.

Q. During that time was not a report made to you about some Red Lake timber?—A. I got such a report. I have it in my pocket. This is a matter of record. I took this out of my pocket [hands paper to chairman].

Mr. GRAHAM. At this point I will read into the record the memorandum which Mr. Warren hands us:

August 22, 1903, Estimator E. J. Fulton estimated on section 16, town 153, range 30, 320 acres, 65,000 feet one grade of pine; 2,345,000 feet of another grade; total, 2,410,000.

Estimater J. F. Bartlett estimated the other half of the same section, giving 25,000 feet of one grade and 2,950,000 of the other grade, making his total 2,975,000 feet, and making the total for the section 5,385,000 feet.

Mr. GRAHAM. That covers it.

Mr. BEAULIEU. Yes, sir.

Q. Was it entered under the homestead laws?—A. Well, sections 16 and 36 of the Red Lake territory were contested by the State. The State claimed the right to school sections 36 and 16 and went into litigation and it was decided in favor of the Government and, of course, this section 16—the homesteaders were on it, and they could not prove up or hold it until the courts had decided who owned the land, whether it was the Government or the State. Well, I got these instructions while I was chief of the corps of estimaters to come up there and examine these particular sections. I sent two of my men up there—two of these men I had; I thought they were the best men—and that is what they found. This section was reported by the Douglass corps of estimaters, but that was prior to me. This section was reported as agricultural land.

Mr. GRAHAM. Just there. What would the maximum timber on a section be to call it agricultural land; in other words, what was the dividing line between agricultural and timber land?

The WITNESS. The rule up to that time was if there was ten or eleven thousand feet of pine on a forty it would be pine land.

Mr. GRAHAM. That would be 160,000 feet to the section as the dividing line between agricultural and timber land?

The WITNESS. Yes, sir.

Mr. GRAHAM. Instead of 160,000, it had the amount I have just read into the record?

The WITNESS. Yes; and the land is worth a dollar and a quarter an acre, and 10,000 feet would not figure as much as the land would at a dollar and a quarter an acre, but I suppose they put that minimum on it to qualify it, but my instructions were if I found a 40-acre tract with one pine tree on it to class it as pine; that was my instructions later on, under the Morris bill, so when my men reported findings on that particular section I asked them as to what would be the description, whether it was agricultural land or pine land, and they said it was all pine stumps. It had been homesteaded and the timber all cut and removed, and on each quarter of section 16 was a homesteader's house or shanty. They had deserted it after the courts had decided the State did not own it.

Mr. GRAHAM. Where do you place the blame for that?

The WITNESS. I will tell you further about that. There was one of these men that was in that crew of estimaters came into my office

after I got this report and I called his attention to it, and I says: "Who did that work?" and he says, "Well, I don't just remember who it was," but he finally came to it and says, "I can tell you," and he named these men. I can't just remember them now, but he told me who they were. Well, I says, "They reported that whole town agricultural and I find it is nearly all pine, or was just before it was cut," and he says, "This crew went over there to what is known as the Shotley Brook, a little brook that comes out of this township. They camped there and their camps burned up and they returned to the Red Lake Agency and stayed there nearly all winter, and reported this classification of timber and agricultural lands without ever going into the town, and they never saw half of it, and the conditions that we found there will certainly show you that nobody went over the land or they would have reported the timber." He says they never went onto it. They never saw it. Mr. Finney, of Park Rapids, is the man that told me, and he is over there at Park Rapids.

Mr. GRAHAM. Do you in any way attribute the conditions you have described to the Indian Office?

The WITNESS. Well, this was the Hoke Smith corps of estimators. He gave it out to the country that if a man could not learn to be an estimator in three weeks he was no good. Why, he sent up a lot of fellows, 16 of them, that didn't know a pine tree from a stovepipe; they never run a line and could not read a compass and could not do a thing. If they went out 20 rods in the woods they were lost. That is the way they did the work. They stayed in their tents and had $4 or $5 a day for sitting in the tents. J. George Wright's report will show that, and, in the face of Wright's report, the department approved this sale.

Q. Which Secretary approved of these sales?—A. I think it was Bliss.

Mr. GRAHAM. That was in the first McKinley administration—Bliss succeeded Francis, did he not?

Mr. BURCH. He was Cleveland's last appointee, I think.

Q. Didn't Francis refuse to approve that sale?—A. I could not say; I don't remember; I do not know.

Q. Did you select your own corps of estimators?—A. All but two men.

Q. Who were those two men?—A. One was Howd and the other Glavis.

Q. Were Howd and Glavis competent estimators?—A. No, sir.

Q. Did they understand how to run lines?—A. No, sir.

Q. Could they go into the woods and do any work?—A. Not until they had learned and had been out with other men for a month or two; they could pair them off with good men.

Q. What became of Glavis, if you know?—A. Why, when we finished up the work he was appointed special agent of the Land Department.

Mr. GRAHAM. Is that Louis R.?

Mr. BURCH. Our own Louis R.?

The WITNESS. Yes.

Mr. BURCH. This is all practically in J. George Wright's report, I suppose.

Mr. GRAHAM. Yes; still it is explanatory of that. We thank you, Mr. Warren.

Mr. BEAULIEU. Are you a member of the Chippewa Tribe?
The WITNESS. Yes.
Mr. GRAHAM. How did you get in, by adoption?
The WITNESS (laughing). No.

BENJAMINE L. FAIRBANKS, sworn, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name?—A. Benjamine L. Fairbanks.
Q. Do you live at White Earth?—A. Yes, sir.
Q. Have you lived there a long time?—A. Yes, sir; about 40 years.
Q. You have some Indian blood?—A. Yes.
Q. Are you a member of the Chippewa Tribe?—A. Yes, sir.
Q. What is your present occupation?—A. Merchant.
Q. In White Earth?—A. In White Earth; yes.
Q. Any particular line?—A. A general line.
Q. It might be called a department store?—A. Well, general store we call it.
Q. Are you interested in other lines of business up there?—A. Well, not exactly. I was interested in a bank there, but that went up in smoke.
Q. Well, that is only a temporary condition?—A. Yes.
Q. You hope to resuscitate the bank?—A. No.
Q. Well, are you interested in any real estate on the reservation?—A. Yes.
Q. How much do you own?—A. About 20,000 acres, I guess, anyhow.
Q. That was allotted land at one time?—A. Yes.
Q. Do you give your personal attention to the management of your merchandise business?—A. Well, some; I have a son. I have two or three stores; one at Red Lake, one at White Earth, and one with Mr. Warren at Beaver Dam.
Q. The Mr. Warren who has just testified?—A. Yes.
Q. Do you give your personal attention, counsel, and general supervision to the stores?—A. Yes, sir.
Q. Of course you are a man of family?—A. Yes.
Q. And your home is at White Earth?—A. Yes, sir.

Examined by Mr. BEAULIEU:

Q. Are you an allottee at White Earth?—A. Yes, sir.
Q. Your father and mother were both members of the tribe?—A. Yes, sir.
Q. Do you know how much Indian blood your father had?—A. About a quarter.
Q. How much has your mother?—A. About the same.
Q. They were both born in the Indian country?—A. I guess so.
Q. On the reservation?—A. So I understood.
Q. They were always enrolled among the Chippewas?—A. Ever since I can remember; yes.
Q. You always understood they were recognized as Chippewas of Minnesota?—A. Yes, sir.
Q. Where were you born?—A. Crow Wing.
Q. Within the Chippewa Reservation?—A. Yes.

Q. Have you always been carried on the rolls?—A. Always, ever since I can remember.

Q. Are you on the rolls now—A. Well, I was until some of these fellows—I am suspended now.

Mr. BURCH. You are not on the rolls?

The WITNESS. I am suspended. I was.

Q. Do you know why you were suspended?—A. They claim I have no Indian blood or was not legally adopted.

Mr. BURCH. No; this is not true.

Mr. GRAHAM. Wait, Judge Burch; he has a right to testify without interruption; let him do so.

Q. How do you know that they say you had no Indian blood or was not legally adopted?—A. I got a notice from the department.

Q. That is, a notice that said that it was alleged——A. I was alleged; yes.

Q. And are you suspended now?—A. Yes, sir.

Q. Is any other member of your family suspended?—A. All of my immediate family; yes, sir; and my own children.

Q. Are your brothers suspended?—A. No, sir.

Q. Have you any uncles named Fairbanks?—A. Yes.

Q. Are they suspended?—A. No, sir.

Q. You are the only member of the family that has been suspended?—A. Yes; and my family; my own children.

Q. You have taken an active part in matters on the White Earth Reservation?—A. I tried to; yes, sir.

Q. Now, do you recall the proposed sale of White Earth allotments?—A. What we called the Herrick sale, you mean?

Q. The Wisconsin plan; yes.—A. Yes, sir.

Q. I wish you would tell just what took place as you recall it.—A. Some one called my attention to a notice that was in the paper that pine on the reservations would be sold in two weeks, so I think I called your attention to the case, and so we had a council, as we call it, and you and I went to St. Paul and saw Senator Clapp. We met him at the Merchants' Hotel. At that time, in that room, there was Clapp, Congressman Stevens, Mr. Nicholas, and Tom Shevlin, who is now dead, and a man named Peterson was in the room. There were some others there but I don't know who they were. We took up this matter, and Clapp took it up for us and went to Washington.

Q. Did Stevens also take any part?—A. Yes, sir.

Q. Well, go on and tell the committee.—A. We came home after that and I think you got a letter from Clapp afterwards that that sale would not go through, and I think that it was postponed. Something came up and the sale was postponed for a month or more, and finally Herrick and Charles Weyerhaeuser and a man by the name of Moon and Mr. Nichols and Mr. Powell and quite a lot of those fellows were there and the sale was made—that is, the bids were put in and after the time that the bids would be opened, there were quite a few Indians went to the office and had a council proceeding against the sale right there.

Q. At the time that these bids were filed, did anyone approach you and ask you to let the sale go through?—A. Yes; Charles Weyerhaeuser came to me.

Q. What did he say to you?—A. He just told me to let the thing go on, as much as to say that I would have a store wherever they had their mill. He said he would not promise much because he did not like to talk too much, but he said I could understand the thing would be all right.

Q. What did you say to him?—A. I told him I would not do that.

Q. Did you go to anyone else and tell them about it?—A. I think I went to you.

Q. Did you tell me about it?—A. Yes.

Q. What was said—what was the conversation, as far as you can recall?—A. I can not remember just what was said.

Q. Did I afterwards tell you that Weyerhaeuser had made a similar proposition to me?—A. Yes, sir.

Q. And was not Mr. Farr there?—A. Yes.

Q. And what part did he take in the matter, if you know?—A. I don't know just what part he did take. I didn't take a very active part and he didn't take a very active part. I was just sitting around there.

Q. Did he seem to favor the sale?—A. I could not tell you. I never talked with him about it.

Q. You were not very well acquainted with him, then?—A. No.

Q. What did that sale purpose doing?—A. It was a sale of allotments.

Q. Allotment timber?—A. Yes.

Q. Anything else?—A. They were going to start a mill there and saw the lumber there. The way I understood it they were going to start a forestry reserve on these allotments.

Q. And did anyone come up and investigate that or look over that matter of mill reserve or forestry reserve or anything?—A. I think Mr. Bruce was sent and Mr. E. L. Warren, the man who just testified here.

Q. What was the result of their visit?—A. I can not tell you; I never learned.

Q. Was there any effort made to get a bill passed in Congress?—A. A bill passed in Congress for what?

Q. To allow the Indians to handle their own matters; that is, in regard to their allotments?—A. Yes.

Q. I wish you would tell if you know about it.—A. About which bill?

Q. The Clapp Act.—A. Well, sir; I don't know but very little about how it started. In fact, I don't know any of it—how it started.

Q. You don't know how it started?—A. I think it started in Washington, as I remember.

Q. That was the first bill?—A. Yes.

Q. But the Clapp Act; was there not some councils held during the summer of 1905 regarding the Clapp Act; and was there not some contracts made?—A. Contracts; yes, yes.

Q. I wish you would tell just what they were?—A. I don't remember very much about those contracts.

Q. Those contracts had powers of attorney, I think?—A. Yes; I remember that.

Q. Who circulated those contracts, do you recall?—A. It was you, wasn't it?

Q. What?—A. It was you, I think, or John Carl; I don't know: or some of you fellows there.

Q. Wasn't a contract made with John Carl, yourself, and me to go and prosecute that bill—put through that bill, in 1905?—A. I think so; yes.

Q. Didn't those contracts have a power of attorney to represent those people who made the contracts?—A. Yes, sir.

Q. They were to be a certain amount, weren't they?—A. Yes; $100 apiece.

Q. Was it $100 or $50?—A. $100, I think.

Q. I was under the impression that it was $50. Did they ever pay anything?—A. No; they never paid anything.

Q. And whatever expense was paid out for prosecuting that bill was at the expense of yourself or two or three persons, so far as the reservation was concerned?—A. Yes.

Q. Do you know whether the Commercial Club took any part in the passage of that bill?—A. I think the Mahnomen Commercial Club did.

Q. Do you know whether the Detroit Commercial Club took any part in it?—A. I don't know anything about that.

Q. Did the commercial club send anyone to Washington?—A. The Mahnomen Commercial Club.

Q. Who did they send?—A. Mr. Birket.

Q. Do you know whether Mr. Birket worked with the members of the tribe?—A. I don't know whether he did or not.

Q. Do you know anything about the Crookston sale?—A. The first sale I was there a couple of days when it was bid.

Q. I wish you would tell what you know about it.—A. I was at the Crookston sale, at the land office, and it was going to be sold to the highest bidder. The man that was making the sale—I think it was in 1894 or 1895—the man that was supposed to be the auctioneer read the descriptions of the 40's, and said it contained so much and worth so much. He calls it and there was no bidders at all, only two men. Meehan, of Thief River Falls, and Tom Shevlin was there. On one side of the lake Meehan was bidding and on the other side Shevlin was bidding. On the one side Chevlin would say, "I will take it," and on the other side Meehan would say, "I will take it," and that was all there was to it.

Mr. GRAHAM. What price did the auctioneer mention—the minimum price?

The WITNESS. He calls it, and if it was on the side Shevlin was taking he would say, "I will take it."

Mr. GRAHAM. There was no competitive bidding at all?

The WITNESS. No; none at all. I was there for two days.

Q. Did you ever hear about the estimators under whose estimates the timber was sold?—A. There were three or four different corps, I think.

Q. Which was the first corps?—A. Otis Staples.

Q. How long did they work?—A. I think they worked about two years.

Q. Do you know how many men were employed by the Otis Staples force?—A. No; I don't know.

Q. Do you know how much they received a day; did you ever learn?—A. $8 a day; $6 or $8.

Q. Each?—A. Each.

Q. Do you know which was next?—A. The Douglas corps.

Q. How many men were there?—A. I can't tell you.

Q. Was it on their estimate that the timber was sold?—A. Yes; I think the timber was sold on their estimate

Q. The sale of the timber on the White Earth Reservation?—A. Yes.

Q. Did you ever learn how much the timber was sold for on those two reservations?—A. No.

Q. Did you ever hear whether the Indians lost a large amount of money on account of the sale?—A. Yes, yes.

Q. Did you ever hear why they lost it?—A. By the estimates; yes.

Q. Was it on account of the collusion of the lumbermen or on account of the estimates being too low?—A. On account of the estimates being too low.

Mr. GRAHAM. Well, wasn't there a loss anyway, for the want of competitive bidding?

The WITNESS. Yes; that is one reason. That was the reason it was sold in that panic of 1903–04.

Mr. GRAHAM. I understood you to mean—indeed to say—that Mr. Shevlin and Mr. Meehan didn't bid against each other at all.

The WITNESS. No, no.

Mr. GRAHAM. And every tract went off at the minimum price?

The WITNESS. That is it; and the estimates were way under.

Mr. GRAHAM. Am I not justified in inferring from what you said, that there was a collusive agreement between them?

The WITNESS. I couldn't say that.

Mr. GRAHAM. That is the impression you want to give by your testimony, is it not?

The WITNESS. Yes.

Mr. GRAHAM. That is the impression you did give?

The WITNESS. Yes.

Mr. GEORGE. Mr. Meehan took the timber on one side of the lake and Mr. Shevlin on the other side?

The WITNESS. Yes.

Mr. GEORGE. When it was on Mr. Shevlin's side, he said, "I will take it"?

The WITNESS. Yes; that is it.

Q. Do you know whether the sale was approved?—A. Which sale?

Q. The Crookston sale that you are speaking of.—A. Oh, yes; it was approved.

Q. Do you know by whom it was approved?—A. Secretary Bliss.

Q. Secretary Bliss, was it?—A. Yes.

Q. Do you know whether his predecessor had refused to approve it?—A. Yes; I know that; yes.

Q. And it was afterwards approved by Bliss?—A. Yes.

Q. And the whole thing went through?—A. Yes.

Q. Now, did you ever hear whether the Commissioner of Indian Affairs at that time recommended against that approval or not?—A. I think he did. Commissioner Browning, I think, didn't approve of that sale.

Q. But nevertheless it was approved by Secretary Bliss?—A. Yes.

Q. Now do you know how the allotments were made under the Steenerson Act?—A. Do I know?

Q. Yes.

Mr. BURCH. Do you mind my asking him a question on this first, before he leaves the Crookston business?

Mr. GRAHAM. What is the question?

Mr. BURCH. I want to ask if he noticed a fellow there who was taking notes and acting as clerk in the office?

Mr. GRAHAM. You may answer the question.

The WITNESS. No; I know there was a man sitting there, but I don't know who he was.

Mr. BURCH. Do you suppose—well, it is reported to me to be a man by the name of Shepard of Duluth. You would not know him?

The WITNESS. No.

Mr. BURCH. If you would see him, you would not know him at this late date?

The WITNESS. No.

Mr. BURCH. Do you remember another fellow there by the name of Kaiser, now in a hospital in Iowa somewhere?

The WITNESS. No.

Mr. BURCH. That is all.

Mr. BEAULIEU. Who were the United States Senators from this State at that time?

The WITNESS. Knute Nelson and Cush Davis.

Q. Who was the Congressman for the ninth district?—A. Eddy, I think.

Q. What do you know about the allotments under the Steenerson Act? I wish you would explain them and how they were made.—A. Well, I was living about 2½ miles from town at that time, so I drove in one Sunday about noon; I drove in to town, and I think Mr. Warren came to me—the next day it was going to be allotted. They were starting a line to go to the office. I think that was April 24. I looked over the line and there were about 70 or 80 people lined up.

Mr. GRAHAM. Mr. Beaulieu, was Mr. Fairbanks here yesterday and the day before when testimony was offered by a number of persons about the allotments and what occurred that Easter Monday and the day after?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. Well, couldn't you shorten it by asking him if they told it as he understands it?

Q. Did you hear the witnesses testify here about the allotments?—A. Yes, sir.

Q. And about Maj. McLaughlin?—A. Yes, sir.

Q. You heard everything?—A. Yes, sir.

Q. Isn't that the way you understood it?—A. Yes; that is the way I understood it.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Any questions?

Mr. BURCH. I don't think of any.

Mr. BEAULIEU. Did you meet Mr. Burch before you saw him at this meeting?

The WITNESS. Yes; I met him in his office.

Mr. BEAULIEU. How long ago?

The WITNESS. I think it was in 1910.

Mr. BEAULIEU. Who were present at that meeting?

The WITNESS. You and Bockus and Meister.

Mr. BEAULIEU. Anyone else?

The WITNESS. Mr. Long came in a little while, but he didn't stay there; and then Mr. Burch. That is all I know.

Mr. BEAULIEU. Mr. Long is the assistant to Mr. Burch?

The WITNESS. Yes.

Mr. BEAULIEU. Do you recall the conversation that took place there—what it was about?

The WITNESS. Yes; I do.

Mr. BEAULIEU. What was that conversation, generally?

The WITNESS. Generally, you and he were talking about these lis pendens cases—these suits that were going to be started—and Mr. Burch said that he wasn't going to hold any star chambers; that the men that were on the other side were going to come in; that he would examine both sides; and that some cases he would settle right away and others that he couldn't settle he would take to the courts and let the courts fight it out.

Mr. BEAULIEU. How did he say that—what did he say about the suits?

The WITNESS. I just now told you he said he would send for both sides and try to find out about it; and what he could not settle he would turn to the courts and let the courts fight it out. That is the words he used.

Mr. BEAULIEU. In other words, have no lawsuits unless he found some evidence which would sustain them?

The WITNESS. Yes.

Mr. BEAULIEU. Do you know whether that meeting was prearranged?

The WITNESS. I kind of think you and he must have corresponded, because you told me you were going to meet him, and you telephoned Bockus and Meister to meet us here in Detroit.

Mr. BURCH. No questions. I think that might all be true at that time.

Mr. BEAULIEU. Bockus and Meisler are employees of the Nichols-Chisholm Lumber Co., are they not?

The WITNESS. Yes: Meister is the vice president of the company.

Mr. GRAHAM. You are excused Mr. Fairbanks, we are much obliged to you.

Short recess.

SHAYDAY, sworn, testified as follows:

Mr. John Carl interpreting; Miss Warren also took seat near the witness.

Examined by Mr. GRAHAM:

Q. What is your name?—A. Shayday.

Q. How old are you?—A. I think about 69.

Q. I see you wear a Grand Army button. Were you in the Civil War?—A. Yes.

Q. Where did you serve?—A. Ninth Minnesota.

Q. What battles did you participate in?—A. Somewheres down South.

Q. Do you draw a pension?—A. Yes.

Q. How much?—A. $12.

Q. Where do you live now?—A. Right on the other side of the town.

Q. Of Detroit?—A. No.

Q. What town?—A. The Indian town.

Q. Well, hasn't it some name?—A. Oh, yes; it has a name; they call it White Earth.

Q. How long have you lived at White Earth?—A. I have lived there ever since I moved to White Earth.

Q. We could have guessed that. How long since you moved to White Earth?—A. I came there four years after the first Indian settled upon White Earth.

Q. And have you lived there ever since?—A. Yes; I have lived there ever since.

Q. Are you a full blood or a mixed blood?—A. I am a regular Indian.

Q. That means that you are a full-blood Indian?—A. That is all I know about myself.

Q. Have you a family?—A. Yes.

Q. Did you get an allotment?—A. Yes.

Q. How many?—A. One hundred and sixty acres.

Q. How much of it have you now?—A. I have all of it.

Q. Have you any more than that?—A. Yes.

Q. How much?—A. Eighty acres.

Q. How did you get it?—A. Well, I bought that.

Q. Some other Indian's allotment?—A. Yes.

Q. Do you get anything from your land?—A. Yes.

Q. What?—A. Pine.

Q. How much money did you get from your 240 acres last year?—A. Well, I don't know.

Q. Is any of it farmed?—A. No.

Q. Is there pine on it now?—A. No.

Q. Did you sell the pine?—A. Yes.

Q. What did you get for it?—A. $8,000.

Q. What did you do with that money?—A. I used it.

Q. Did you buy anything with it that you now have?—A. Yes.

Q. What?—A. That which I just told about a little while ago, buying the land.

Q. How much did you pay for that 80 acres?—A. $500.

Q. $500?—A. Yes.

Q. Do you own a home at White Earth?—A. Yes.

Q. What did it cost you?—A. About $1,800.

Q. How much family have you?—A. Just two.

Q. Wife and two children?—A. Just my wife.

Q. Had she allotments also?—A. Yes.

Q. What was done with her allotments?—A. It is there yet.

Q. How did it happen that you went through the Army and never learned to speak English?—A. I didn't understand the men; I may have understood the women.

Examined by Mr. BEAULIEU:

Q. Who was your captain in the Army?—A. The only officer I knew was Charley.

Q. Was that Charley Beaulieu?—A. Yes.

Q. Were there any other members of the tribe in his company?—A. Yes.

Q. Are there any present here?—A. One.

Q. Who was that?—A. Wain-che-mas-dub.

Q. Now, you say you sold your timber for $8,000?—A. Yes.

Q. Was the 80 acres of land all you bought with the money that you received?—A. No. I had my house built.

Q. Have you any other buildings besides your house?—A. Yes.

Q. Where are those buildings located?—A. It was right there where the train stops.

Q. At Callaway?—A. Yes.

Q. Do you get rentals for those buildings?—A. Yes.

Q. How much a month?—A. $30.

Q. $30?—A. Yes.

Q. How much did those buildings cost you?—A. You mean those buildings there?

Q Yes.—A. $2,000.

Q. How were you able to sell your land, being a full blood—I mean your timber?—A. I didn't sell any land.

Q. I said timber. How were you able to sell that?—A. I don't know. I understand that I must have worked, is the reason why I succeeded in selling it.

Q. Did you make application to the agent for a fee-simple patent?—A. Yes.

Q. And that patent was issued, was it not?—A. Yes.

Q. On the grounds that you were competent to look after your own interests?—A. Yes.

Q. You are not a drinking man, are you?—A. Well, I don't ever drink nowadays.

Q. That is, you haven't drunk anything for a number of years?—A. About 20 years I haven't drunk anything.

Q. Is that the reason you have been able to take care of yourself so successfully?—A. Yes.

Q. Were you present when the allotments of timber were taken?—A. Yes.

Q. Were they taken in a fair manner, or in an unfair manner?—A. It was the wishes of the Indians, the way the land was taken.

Q. Do you remember the council with McLaughlin?—A. Yes.

Q. Did McLaughlin put the matter up to the Indians with regard to whether the allotments should stand as made by Michelet, or not?—A. That is what he proposed to them.

Q. And what did they say?—A. They accepted that.

Q. They voted on it, did they not?—A. Yes.

Q. Have you heard whether there is any money being expended out of the Indian funds—that is, out of the Indian funds for reservation purposes? Do you know about any?—A. Which way? From the Government side?

Q. Yes. Is the Government expending any of their money—of the Chippewa funds?—A. Yes; I do know a great deal of money has been spent that way.

Q. Is it being spent so that the Indians are getting any benefit from it, or not?—A. No; I don't notice any benefit from it.

Q. Now, what would you think would be the best manner of providing for the Indians with regard to their tribal funds? In

what manner do you think it would be best to expend those funds?—A. Anything that would have a tendency to advance them, perhaps to have any person of Indian blood to work, and not the white man to come there and get the benefits of it.

Q. Do you know whether it would be a good thing to pay the Indians for their own work, or not?—A. That is what I was thinking about when I said what I stated.

Q. Was that ever tried at White Earth?—A. Well, that was one of the first things that should have been done, and then we might have had one white man there to teach the Indians how to work: but up to the present time we have sent the younger people off to school so that they might earn something to eat. I think they should be given the preference.

Q. You didn't answer my question. I asked if the plan of employing Indians to do their own work was not used at any time?—A. It was that way once.

Q. Were the Indians prosperous in those days?—A. They had a start.

Q. Were there any farmers among them?—A. They were farmers.

Q. Did you farm during that time?—A. Yes.

Q. How large a farm did you have?—A. Twenty-seven.

Q. Twenty-seven acres?—A. Yes.

Q. Did you make a pretty good living off that 27 acres of land?—A. Yes.

Q. Do you think that plan could be carried out successfully upon the White Earth Reservation now, with the amount of funds that the Chippewas have in the United States Treasury?—A. Yes: I think it would be successful.

Q. Do you believe that the Indians should be encouraged to work?—A. Yes; I kind of wish for that.

Q. Do you think it would be a good thing for the Indians to be thrown on their own resources, those that are able to work, and be compelled to work? I mean by "Indians," the full bloods.—A. I don't know as I could say anything for others; I can only speak for myself, because I know myself better than I do anyone else.

Q. What would you say in regard to yourself?—A. I would say that would be just all right.

Mr. BEAULIEU. That is all.

Examined by Mr. LINNEN:

Q. Haven't most of the Indians on the reservation sold their land?—A. I don't know anything about that.

Q. Your son has about $800 on deposit at the agency. His name is Thomas Swan, jr. Would you like the superintendent to turn all that money over to him now?—A. If it would be possible for him to be able to get that money so that he could have it, it ought to be given to him; but at the present time I don't see how he can get it.

Q. Have you not made a personal request of the agent not to give it to your son?—A. I don't remember; I don't know.

Mr. LINNEN. That is all.

Mr. BEAULIEU. Has your son got a trade?

The WITNESS. Yes.

Mr. BEAULIEU. What trade has he?

The WITNESS. The watch business. Watchmaking business.

JACK RABBIT, sworn, testified as follows (through John Carl as interpreter, Miss Warren assisting):

Examined by Mr. GRAHAM:

Q. What is your name?—A. Ke-me-wun-aun-ah-gwod. My English name is Jack Rabbit.

Q. Where do you live?—A. Pine Point.

Q. Have you lived at Pine Point all the time you have been on the reservation?—A. Yes.

Q. How many children have you?—A. I have two children; I have lost 11.

Q. How large a house do you live in now?—A. A small house.

Q. How many rooms in it?—A. Just one.

Q. How many people live in that one room?—A. I have one daughter there, and she has two children, and my wife and myself.

Q. How is your house heated?—A. Fire in there.

Q. Have you more than one stove?—A. Just one stove.

Q. What do you do for a living?—A. I am a good hunter. I do everything; a good many different things.

Q. Do you do any work?—A. No.

Q. Then, you don't do everything?—A. No; I don't.

Q. What do you get in the way of game?—A. I kill the wild animals.

Q. How do you hunt; with the gun or the trap?—A. I take a gun.

Q. Do you make money hunting?—A. No.

Q. What do you hunt for?—A. Deer.

Q. Well, if you get deer, don't you make money out of them?—A. No; I kill deer for the purpose of eating it.

Q. What do you do with the hide?—A. I make moccasins out of it.

Q. Well, you get money out of the moccasins?—A. No.

Q. What do you do with them?—A. I have them on my feet. I walk around and wear them out.

Q. If you can wear out all the deerskins you get, in moccasins, you don't get very many deer?—A. No.

Q. When did you get a deer, hunting?—A. I am getting to be an old man now and I haven't killed a deer for one year.

Q. Then you are not so very good a hunter?—A. Not now; but I used to be a good hunter.

Q. How much land have you?—A. I have 80 acres.

Q. What did you do with your other 80?—A. I sold it.

Q. How much did you get for it?—A. $600.

Q. Has your wife her allotment yet?—A. She has 80 acres.

Q. She sold one of her allotments, did she?—A. Yes.

Q. Did your children get allotments?—A. Four allotments were made to my children, now deceased.

Q. You got four allotments to yourself, through your dead children, did you?—A. Yes.

Q. Were they 80-acre or 160-acre allotments?—A. 80 acres each.

Q. What did you do with them?—A. I sold them.

Q. How much land have you sold altogether?—A. I have sold six allotments.

Q. Four hundred and eighty acres?—A. Yes.

Q. How much money did you get for it all?—A. I haven't gotten all my money. I have bought some stock, but since I am unable to raise the stock.

Q. Have you any stock now?—A. No.

Q. What kind of stock did you get?—A. Horses.

Q. How many?—A. Three pairs.

Q. How much were they valued at when you got them?—A. I bought them at a time—$450 for harness, wagon, and team. I have three pairs.

Q. Did you pay $450 for each team you bought?—A. Yes.

Q. Were they big horses or little ones?—A. They were big horses.

Q. How long did you have them?—A. The first team I had over two years and the other team I had a year and a half and the other team I didn't have quite two years.

Q. Did you do any farm work with them?—A. No.

Q. What did you do with them?—A. They were not doing anything, but they died. They couldn't have been very good horses.

Q. Just got them to prepare them for death?—A. I presume that was what it was for.

Q. Well, have you any property now but your land—your allotment?—A. No.

Q. How old are you?—A. Something over 60 years old.

Q. Are you a full blood or a mixed blood?—A. I am not a full-blooded Indian, I am a mixed blood.

Examined by Mr. BEAULIEU:

Q. Are you self-supporting?—A. Yes; I support myself.

Q. Has the Government ever supported you?—A. No; I never got anything from the Government.

Q. Did you ever make use of the lands that you sold prior to the selling of them?—A. No; I never used them.

Q. Are you as well off now as you were prior to selling that land?—A. Just the same.

Q. Do you have a garden on the land you now occupy?—A. No.

Q. You simply use it to live on?—A. That is all.

Q. You manage to get along fairly well, do you not?—A. Yes; I get along fine.

Q. Are you a drinking man or a temperate man?—A. I don't drink fire water, but I do drink water.

Q. Is that the reason that you can take care of yourself, because you don't drink fire water?—A. Yes; I think that is what is carrying me through, the fact that I don't drink fire water.

Q. Have you ever been at Washington?—A. Yes.

Q. When were you there?—A. Last spring.

Q. For what purpose did you go to Washington?—A. I went there for the same purpose that my partners did. We went there to get something for ourselves.

Q. Who were your partners?—A. George Berry and Clement Beaulieu.

Q. Is that the minister?—A. Yes; that is the one.

Q. Who did you see while you were there?—A. This man sitting here. (Indicating Mr. Graham.)

Q. Who else?—A. I saw a lot of men. This seems to be the only one that I recognize that I saw there.

Q. How did you happen to see him?—A. I went to his office and visited him.

Q. Did you call on some other persons in regard to Chippewa matters?—A. Yes.

Q. What were those matters?—A. Went to the chairman of Indian Affairs.

Mr. GRAHAM. That would be Mr. Stevens.

Q. What conversation did you have with Mr. Stevens, if any?—A. I didn't have much conversation with him.

Q. Did anyone talk with him?—A. Yes; my partners had a conversation with him.

Q. What was the subject of that conversation?—A. I didn't understand all what they were saying.

Q. Do you know what you went to Washington for?—A. Yes; I know.

Q. Well, what was it for?—A. We went there on business—we went there for that money purpose.

Q. For which money?—A. The interest money.

Q. Did you have any success in getting the interest money?—A. I don't know.

Q. Do you know how much interest money there is that you went after or to see about?—A. I couldn't say for sure.

Mr. GRAHAM. No; nor for any other way. How could he know that? What is the use of asking him that question?

Mr. BEAULIEU. Well, he could know from what they told him down there. If they told him there was $2,000,000, he ought to know, but he doesn't recall.

Q. Do you know anything about the councils that took place at Pine Point?—A. When?

Q. With Mr. Linnen and Mr. Moorhead?—A. Yes; I remember those.

Q. What took place at them?—A. There was a big time there.

Q. In what way?—A. They were asking questions of the Indians.

Q. And what questions were those?—A. The Indians were asked in reference to their sales.

Q. Sales of what?—A. The land sales.

Q. Did they ask them regarding their status as being full bloods or mixed bloods?—A. They were asked if they were full-blood Indians and they were asked if they were mixed-blood Indians.

Q. Did they offer them any inducements to say they were full-blood Indians?—A. It wasn't made to them in a very plain language, to induce them to say they were full-blood Indians.

Q. Did they understand that if they would say they were full-blood Indians they would recover their lands?—A. That was the understanding.

Q. And didn't a great many of them say they were full bloods on that account?—A. Well, I didn't hear all of them all the time; I was with that man only three days.

Q. And what did that man say to you while he was with you three days?—A. He asked me about these full-blood Indians, and he asked me about some people that had a little white blood.

Q. Did this man say to you that any person who was a full blood would recover his lands?—A. He didn't say that to me. He simply asked me.

Q. Did the other man say anything to you?—A. No; this is the only man that spoke to me.

Mr. GRAHAM. Mr. Beaulieu, in order to make this intelligible, let me put in the record, by "this man" you mean Mr. Linnen, and by "the other man" you mean Mr. Moorhead.

Q. Then, so far as you were concerned, they didn't tell you that if you would become a full blood you would get your lands back?—A. No; they didn't say anything about me.

Q. Did you attend any councils—have you attended any regular councils that have been held since then?—A. No; I didn't take any part in any of them.

Mr. BEAULIEU. That is all.

Examined by Mr. BURCH:

Q. Did you make an affidavit to Moorhead and Linnen?—A. Yes.

Q. Do you remember what was in the affidavit?—A. Yes.

Q. Did you tell something about the sale of your land?—A. Nothing was said about that in that affidavit.

Q. Didn't you say you sold your timber to Fred Sanders for $2,500?—A. That other man asked me that. He simply asked me that—that other man.

Q. Did you tell the other man you sold it for that?—A. Yes.

Q. And got clothing, etc., from Fred Sanders and doctors, etc., in payment for the $2,500?—A. No; he didn't give me anything like that. He gave me money. He gave me all in money.

Q. How old was your son when the timber was sold?—A. 14½ years old.

Q. And you said there that you were to receive $2,500, but didn't get it in money, but considered that you got it in other ways, in clothes, etc.—in the affidavits of you three?—A. Oh, no; I didn't say that. Somebody lied in that if there was any such statement.

Q. Who interpreted for you?—A. George Fox.

Q. Not on the deed, but on the affidavit?—A. Whitehead——

The INTERPRETER. That is Charley Moulton.

A. (Continuing.) At the time I told that man [indicating Mr. Linnen].

Q. Were there any other interpreters, Rose Ellis or John Lufkins?—A. John Lufkins was there.

Q. When you came over here this time, where did you come from?—A. Pine Point.

Q. Is that near Ponsford?—A. Yes; it is near there.

Q. Did you come with Charley Moulton?—A. Yes; I came with him.

Q. And two other Indians?—A. Yes.

Q. What are their names?—A. Na-tah-wah-cum-ig-ish-kung and Zha-go-zi-kung.

Q. Do these other Indians have any other names, any English name?—A. I don't know if they have any English name.

Q. Is one of them called John Warren?—A. I don't know anybody by that name.

Q. Did each of you four receive checks for $40?—A. No.

Q. Didn't you cash a check at the Ponsford Bank for $40 before you came over here?—A. I cashed a check for $30 and these other men also had checks for $30.

Q. Didn't all of them have checks for $30?—A. No; just three of us.

Q. Whose checks were those? Whose names were signed to the checks?—A. I don't know whose checks they were; they were sent to us from Frazee. It may have been the school-teacher's check.

Q. Was it N. B. Hurr's check?—A. I think that is the one. I am not able to read the paper and I can not point out whose name was on that paper.

Q. But do you know that they came to you from Frazee? Who handed them to you; how did you get them?—A. I don't think he is here. No; he is not here.

Q. A white man or an Indian?—A. The storekeeper at Ponsford.

Q. Was his name Robert Henry?—A. That is his name.

Q. Did Robert Henry tell you they came from Frazee?—A. Yes; that is what he said.

Q. What was each of them to do for the $30?—A. I don't know if I was to do anything afterwards, but this was in payment for something I had done before.

Q. What?—A. Regarding these testimonies here.

Mr. BEAULIEU. No, no; he didn't say that.

The INTERPRETER. Well, the "questioning of these here."

Mr. GRAHAM. Miss Warren, do you understand his answer?

Miss WARREN. "Regarding the inquiry."

The INTERPRETER. Well, that is what he means, but he said the "questionings."

Q. I will put it plainly again. Did you understand that you were to receive the $30 to come here and testify?—A. No; it isn't for that. It isn't for that that I received the money. I have received money for something that is back prior to this.

Q. Well, I don't want to know about the money that you received prior to this; I want to know about this money, the check.

The INTERPRETER. Mr. Burch, I am trying to say what this Indian says. He is answering your question. He says he received this money for something, for something that he had done prior to this time.

Mr. BURCH. Well, what work has he done prior to this time?

A. It is on account of this questioning here, to find out whether this is this way or that way.

Q. I guess that will do. It is near enough.

Mr. BEAULIEU. Was it not for work you did the past summer, answering questions regarding the genealogy of families?

The WITNESS. That is what I said, the asking of things.

Witness excused.

Adjourned until 9 a. m. Saturday.

×

WHITE EARTH RESERVATION

No. 29

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 17, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

SATURDAY, FEBRUARY 17, 1912.

MORNING SESSION.

Present: Mr. Graham, Mr. George, committee.

Appearances as previously.

Mr. GRAHAM. Mr. Beaulieu, have you anything to suggest? You had some documentary matter, I believe?

GUS H. BEAULIEU took the witness stand on his own initiative.

Mr. BEAULIEU. Now, I want to just make a brief reply in regard to the statement made by Agent Howard, that I had tried to induce him to go into a land company with C. H. Congdon, Ben Fairbanks, and myself, I think, in 1909, or somewhere along there.

Now, I called at Maj. Howard's office one afternoon and in the course of conversation he said to me, just about the time I was leaving, he says: "Gus, do you know of any chance where I can make some money? I am getting old now, and I want to lay up something." I said, "You have the best kind of an opportunity right here upon the reservation. You are in position to get all the information you want. In three months' time you can get all the information you want to go into business." And I told him then that his position there would enable him to get all the information he wanted, but that, as an Indian agent, he could not buy lands from the reservation people, because it was against the law. That was all that was said about the matter. I never made him any proposition to go into the land business with Fairbanks or Congdon, because neither of them had been connected in the slightest way in any land deals. Mr. Congdon is a man of very great wealth, probably one of the richest men in the State, and it is true that he has helped me by furnishing me money whenever I saw a chance to make some. He has furnished me money without stint, and I have bought some lands on the reservation with the money that he furnished, and the only thing he asked me to do was to take Edward C. Congdon in so that he would learn the business of speculating and buying lands.

Mr. GRAHAM. What kin was this latter Congdon to the other one that you first mentioned?

Mr. BEAULIEU. He is a son. He says: "I want Ned"—we call him Ned—"I want Ned to learn the land business, especially." So he furnished us with $10,000 and, after we had bought a little land, these suits were commenced and we ceased entirely buying land upon the reservation; we bought no more. But we did not confine ourselves to any particular part of the reservation; we bought it

wherever we could get lands reasonably, and we did not go to anyone and say, "We will give you so much," but we asked them how much they could take for their lands. And I will say, with reference to my talk with Maj. Howard, I mentioned to him that there were some indications of mineral upon the reservation, and I said that we felt quite sure that there was mineral there.

Mr. GRAHAM. Did you mean any particular mineral?

Mr. BEAULIEU. Yes; I said iron.

Mr. GEORGE. What was the basis of your statement? What assurance had you of that?

Mr. BEAULIEU. I had some specimens at that time. Mr. Congdon had sent up a man at my request to look over the country, as an expert.

Mr. GEORGE. What did that expert find?

Mr. BEAULIEU. Well, he said he thought there might be iron; he wasn't sure, you know; he just looked over the country. I stated that to Maj. Howard, that I had some specimens that I was going to have analyzed. I had them analyzed and examined, and I got a letter regarding it. In the first place I went over to see Dean Frankforter, dean of chemistry at the State University, and he said he had got the specimens that I had left several months before, but that a clerk that he had had became suddenly insane and she had mislaid the specimens, and it was a long time before he could find them. He said as soon as he found them he would make a report, and this is the report that he gave me. I would like to have it put in the record. That is a letter written to Edward C. Congdon; I am not sure whether it was before he wrote that letter that I wrote Maj. Howard, giving him the information regarding those matters, but it was not for any purpose to have him go in with us. I don't see why we should want him to go in with us. I didn't think he had any more money than we had, to carry on that business of buying lands. We had all we needed, and we were not in with anybody. We were not in with Fairbanks, as he testified, because Mr. Fairbanks has never had any interest whatever with Mr. Edward C. Congdon or myself.

Mr. GRAHAM. The statement which Mr. Beaulieu has just made refers to the testimony of Maj. Howard, as it appears on pages 112 and 122, also 137 of the printed record.

THE UNIVERSITY OF MINNESOTA,
SCHOOL OF CHEMISTRY,
Minneapolis, Minn., November 2, 1909.

Mr. GUS H. BEAULIEU,
White Earth, Minn.

DEAR SIR: I have just completed the analysis of the samples of iron ore left by you and beg to give you my report:

Sample No. 1: Iron, 21½ per cent. Left for examination October 24.

Sample No. 2: Iron, 6.7 per cent. Sample in bottle sent some time in September.

Sample No. 3: 16.6 per cent. Large package sent in September.

Sample No. 4: 19.1 per cent. Small package sent in September.

I beg to state that the above results represent an average of the whole sample. In each case the material present, in addition to iron, was silica, and in sample Nos. 2 and 3 the material was in the form of same. Sample Nos. 1 and 4 were apparently a low grade of true iron ore. Neither of the last two samples seem to be quite uniform. A part seem to be of almost high grade ore, while the remainder was apparently low in iron. This would rather indicate that somewhere in the vicinity there exists a high-grade ore.

The important point, it seems to me, which should be determined now is whether this ore is drift or whether it belongs to a deposit in the immediate

vicinity. It seems to me you could determine without very much trouble whether or not this is drift carried and deposited here by glacial action. At any rate, it would certainly pay you to look into the matter very carefully.

Yours, very truly,

GEO. B. FRANKFORTER,
Dean and Director of the Laboratory.

Mr. GEORGE. What do you know about iron now, on the reservation?

Mr. BEAULIEU. Well, now, the lis pendens or the prosecutions have stopped everything, and nobody has made any prospects—done any prospecting; they have not prospected here lately, but what is known as the dip needle shows strong indications all along throughout the northeastern part of the reservation.

Mr. GEORGE. The dip needle, is that used?

Mr. BEAULIEU. Yes; it is used. They have a dip needle which is used and it shows what percentage of iron there may be; and it runs down as high as 45 per cent; and for that reason we believe there is iron, in addition to this statement which Mr. Frankforter made.

Mr. GRAHAM. What are the manifestations of iron? Is it shown by discoloration of the water, or by "croppings," or how?

Mr. BEAULIEU. It is shown by croppings around springs, and wherever there are any outcroppings from hills, or wherever it may be located. It is usually found in side hills, outcroppings.

Mr. GEORGE. Where these indications were found, who possesses the land? Has all of it been allotted?

Mr. BEAULIEU. I guess nearly all of it, if not all the land has been allotted.

Mr. BURCH. All that is good for anything.

Mr. GRAHAM. Except it is for iron—land that has iron on it is not usually good for anything else.

Mr. BEAULIEU. I understand they were drilling 12 miles from there, and found good indications last year, and that is the reason that everyone in this country thinks there must be iron.

Mr. GRAHAM. What did you take to Prof. Frankforter? Did you take him the earth as you dug it up, or did you take scrapings?

Mr. BEAULIEU. I took it just as it was brought to me, in bottles or in packages. I had five or six different specimens; in fact, I think I had seven specimens; but some were lost on account of the young lady going insane.

Mr. GEORGE. What is it like—land, earth, or rock?

Mr. BEAULIEU. No: not a rock; just what was found on top of the earth. And in conversation with Mr. Frankforter, he said he had no doubt, from the specimens that he had examined, that it was full of ore.

Mr. GRAHAM. The highest per cent shown in his letter is Sample 1, 21½ per cent.

Mr. BEAULIEU. Yes; that is the average. That is what he says was the average. He told me that was the average; he said there were some parts of it that show higher than that, and some less.

Mr. GEORGE. Would that 21½ per cent be a high grade ore or low, or what?

Mr. BEAULIEU. He said that 21 per cent ore was similar to the Missabe ore; and the Missabe ore is the richest ore in the State.

Mr. BURCH. May I see it? I have had a little experience.

Mr. GRAHAM. And are these conditions confined to a particular location on the reservation, or are they pretty general there?

Mr. BEAULIEU. No; just a particular location.

Mr. GRAHAM. What part of the reservation?

Mr. BEAULIEU. Well, it seems to run in those—well, those three eastern townships, 142——

Mr. GEORGE. The eliminated ones?

Mr. BEAULIEU (indicating on map). It seems to run this way [indicating] and down this way.

Mr. GRAHAM. Southwesterly and northeasterly, beginning at the northeast corner of the reservation.

Mr. BEAULIEU. Through the Rice Lake—just east of Rice Lake and down through south of Rice Lake, principally in 142–38 and 142–39, is where there seems to be the most indications.

Mr. BEAULIEU. Another thing, I wish to say: I understand that the Nichols-Chisolm had organized in 1903 or 1904. A short time after it was organized, I was employed. I want to make that statement in order to show that the Nichols-Chisolm Lumber Co. was not organized when the sale at Crookston took place, so that they could not have been interested in those sales at that time. That is all.

Mr. GEORGE. As a corporation?

Mr. BEAULIEU. As a corporation, so far as I know. I might add just a word there, so as not to have Mr. Congdon's motives misunderstood, regarding the reason that he helped me. We have been very intimate friends since we were young men, since we were 24 or 25 years of age. He was a very poor young man when I first knew him; he has, in fact, become rich only during the last 15 or 16 years—just through iron, through iron speculation in this State. And, although he had made several offers to me before, I had turned them all down. But when I was going to Washington, about three years ago, I met him on the train and I said to him that I had decided to go into the land speculation, outside of the reservation, and asked him if he had anything to offer me. That is how he happened to offer me funds; he said he could help me that way. Mr. Congdon, of course, has helped a great many men. He is a man who is always willing to help a man who he thinks is deserving, and he has made a great many men rich, and I suppose for that reason he wanted to help me. That was the only reason. He had no motive at all to go into the White Earth deals. A man who is worth anywhere in the neighborhood of $50,000,000, isn't bothering with little land deals.

Mr. GRAHAM. Is he connected with the "Steel Trust," so called?

Mr. BEAULIEU. He was attorney for the Steel Trust.

Mr. GRAHAM. He is a speculator also, is he not?

Mr. GRAHAM. I could not say now; I don't know.

Mr. BURCH. No questions.

JOSEPH R. FARR, sworn by the chairman, testified:

Mr. BEAULIEU. In connection with the examination of Mr. Farr, I would like to have a copy of Exhibit 40. [Copy handed Mr. Beaulieu.]

Mr. GRAHAM. The chair would state that, knowing Mr. Farr was to appear before the committee at this time, and also knowing that Mr. Farr had very wide and probably very accurate knowledge about timber transactions and possibly other transactions on the Minnesota

Indian Reservations; and wanting to get a line on what that testimony would be, the chair suggested to Mr. Farr that we would be greatly obliged if he would furnish the committee with some sort of statement in the way of an outline or sketch of the matters that he had known about and about which he could give testimony. And Mr. Farr very kindly furnished us with a statement of that sort which, I think—and my colleague agrees with me—should be read into the record.

Mr. Graham then read Mr. Farr's statement, as follows:

The timber on the White Earth Reservation, Minn., was offered for sale November 15, 1905, at the request and representation of certain mixed bloods and lumbermen and their friends that the timber should be cut to avoid depreciation by fire, storms, and old age. In December, 1904, Mr. Frederick Herrick, of Wisconsin, made application to purchase this timber and construct a mill and manufacture the timber on the reservation. In April, 1905, the Nichols-Chisholm Lumber Co. made a similar application. Under date of August 10, the Indian Office wrote me that the timber had been advertised on the 7th, and requested that I be present at the opening of the bids on September 5. I immediately protested that the notice was entirely too short, and the time was extended to November 15.

The action on the part of Mr. Leupp, then Commissioner of Indian Affairs, in rejecting all the bids received, and particularly the bid of Mr. Herrick, was a great injustice to the Indians and without justification, and caused them the loss of approximately $1,000,000 and made possible the trouble, frauds, expense, and scandal that have since taken place.

This action of the commissioner in connection with this failure and that of his successor, Mr. Valentine, after the rejection of the bids, to properly perform their duty and afford the Indians the protection they should have had is directly responsible for the scandalous conditions which have prevailed on the White Earth Reservation for the past six years. This is true without regard to the motives and actions of certain lumbermen and mixed bloods. The Indian Office was in a position to fully protect the property of the Indians and prevent the frauds in the sale of their timber and the great expense and waste which have been the subject of investigation for the past two years.

The bid of Mr. Herrick was as follows:

"I herewith submit the following bid for the purchase on stumpage of all merchantable timber on the White Earth Diminished Reservation:

White-pine timber	$11.00
Norway-pine timber	10.00
Jack-pine timber	5.00
Oak surface-clear timber	8.00
Oak tie and common timber	4.00
Elm timber	4.00
Basswood timber	4.00
Maple timber	5.00
Ash timber	5.00

"With this bid I propose to agree to build the following mills on said reservation to manufacture said timber into lumber, shingles, lath, boxes, staves, heading, hubs, and spokes:

"One mill for the pine, to contain three large band saws and one band slab resaw, one shingle and lath mill complete, one mill for hard wood, to contain one large band saw, one band resaw, stave, heading, hub, and spoke machine complete, and turning lathe. (Pine mill to be up in 120 days. Hard wood and pl. & bx. in 180 days.)

"One planing mill and box factory, with resaw and machines sufficient to handle the produce of these two mills.

"I guarantee these mills to cost to exceed one hundred thousand dollars ($100,000).

"In addition to the above bid I submit bid on the following timber:

Spruce timber	$5.00
Tamarack timber	2.00
Balsam timber	2.00
Popple timber	2.00
Birch timber	2.00

"And for all timber not suitable for saw logs and which will make heading, staves, hubs, and spokes I agree to pay fifty cents (50c.) per cord stumpage."

Mr. Herrick's offer covered all the merchantable timber, good or bad, no matter how small the amount or where located on the reservation of any allottee desiring to sell.

This is a very different proposition from an offer to purchase the choice and well-located pine only and not take the other species of timber which are not desirable. I question if there is a lumberman in the Northwest who is so lacking in honesty and self-respect as to say that the bid of Mr. Herrick was not a good, strong, clean-cut offer for all the timber.

The commissioner in recommending the rejection of all the bids, said: "Not one of the proposals has, however, touched the lowest figure that I was advised to demand by a personal representative of mine, who made a tour of the reservation." He failed, however, to furnish the name of this "personal representative," or a schedule of the prices fixed.

If the highest bid did not touch the lowest figure he had fixed in advance, then it was a farce, if not a crime, to offer the timber for sale and thus induce men to spend large sums of money in making an examination of timber that they could not possibly purchase.

He had before him at that time the bids of every lumber interest desiring to purchase the timber, and was, therefore, fully informed as to the value they placed on the stumpage. He also knew that during the three years preceding this sale that the General Land Office and National Forest Service had sold in the neighborhood of 1,000,000,000 feet of pine timber on reservations in Minnesota, of at least equal quality and location, and that the average price received was $6.56. This entire record was available to him. He had also read and considered my several reports, which covered every phase of the situation, and I had met in them every argument advanced by the opposition and furnished facts and information both before and after the bids were opened. I clearly pointed out what would happen if the bids were rejected, and furnished conclusive information as to the methods, motives, and object of the opposition—and everything I said has since been fully confirmed.

Certain lumber companies operating near the reservation wanted to purchase the pine timber direct from the Indians, and certain mixed bloods favored this plan as it afforded them an opportunity to get a "finger in the pie." These purchasers did not desire the hardwood and certain other species at any price.

Following the rejection of the bids I urged as the next best plan to protect the Indians that the timber be readvertised, but no action was taken. The Clapp amendment was promptly introduced and pushed by these same lumbermen and mixed bloods and was promptly passed, and the law went into effect June 21, 1906. It is perfectly fair in this connection to state that it would have been difficult, if not impossible, to have enacted this law with the opposition of the Indian Office.

Within a few weeks it was charged in the public press that the Indians were being defrauded of their timber.

Under date of July 20, 1906—less than a month after the law had gone into effect—I wrote the commissioner, describing conditions and urging immediate action, and suggested that suits be brought to set aside any fraudulent sale which had taken place. I offered to go there and adjust matters, and requested special instructions. I have never received any reply whatever to that letter. Proper and prompt action at that time, which it was the plain duty of the commissioner to take, and which would only have required a very small expenditure, would have afforded great protection to the Indians and made it impossible for the present situation to exist.

It is pertinent, I take it, to inquire why this action was not taken and a roll of the mixed bloods made then instead of waiting three years until the bulk of the choice timber had passed into the control of the lumber interests—and now 1,200 suits are pending to set aside the transfers.

Mr. Valentine, now Commissioner of Indian Affairs, made a visit to the reservation in August, 1908. A majority of the sales had then taken place and everything was running full blast and the saloons doing a fine business. I talked with him before, and again immediately after his examination, and he told me that he had found everything satisfactory in the timber line. If he had not, why did he fail to take action? He was confidential representative of Commissioner Leupp at that time and shortly afterwards was appointed assistant commissioner and a few months later made commissioner.

If the situation is as bad as alleged by the Indian Office and representatives of the Department of Justice, or even one-tenth as bad, it is one of the most

remarkable situations that has ever existed in the Government service. The Indian Office exists for the sole purpose of caring for and protecting the Indians and their property, and at an expenditure annually of millions of dollars. The Commissioner of Indian Affairs is fully equipped with funds, officials, and help of every kind and character necessary. Each agency is supposed to have a full corps of honest, competent officials, but, notwithstanding this, it is sought to be made to appear that all the fault and blame for the corruption and fraud on the White Earth Reservation rests entirely on the lumbermen, a few mixed bloods, and the defects in the law.

It must be obvious to anyone that under the administration of competent, honest officials it would be utterly impossible for such a condition to arise, no matter how dishonest certain lumbermen and mixed bloods may have been. Otherwise no good excuse can be offered for the continuation of the Indian service and it should be abolished.

If the commissioner had performed his plain duty and accepted the highest bid there would be no occasion or excuse for such a law as the Clapp amendment. He was fully advised in advance as to what the lumbermen, who were pushing the bill, desired, and knew what they had bid for the timber and that the bid of Mr. Herrick was at least one-half million dollars more favorable.

It should be evident to anyone that these certain lumbermen would not spend large sums of money and be lobbying for legislation which would force them to pay a higher price for the timber. In fact, from the start, they only desired to purchase the pine and knew they could get this by dealing directly with the Indians at much less than they had been forced, by competition, to offer in their bids. They did not want the other species of timber at any price and did not consider it worth five cents on the dollar of the prices named in their bids. They got what they went after, and the hardwood and other species of timber, for which Mr. Herrick bid $4 per M have been ignored and allowed to burn and go to waste.

For the purpose of throwing further light on the situation and in support of this statement, attention is invited to a letter under date of November 14, 1905 (the day before bids were opened), written by Commissioner Leupp to me, and my reports to him extending over probably 100 pages and covering every feature of the matter as follows: October 25, 31, November 7, 11, 14, 15, 25, and 28, January 17, July 20, 1906. These reports cover in detail the nature, conduct, and object of the opposition to the mill plan and the sale of the timber as advertised on November 15, 1905, so I will only give a brief review of the situation now.

The opposition objected to the entire plan of sale and particularly to the part requiring the successful bidder to construct a mill and manufacture the timber on the reservation. They objected to the short notice given on the start, as affording insufficient time to examine the timber and consider so large a project. They were right on this point, but when I succeeded in having the time extended to 90 days, which would give anyone who desired to purchase the timber plenty of time to make the most thorough examination, they continued to object, and then protested that the extension would invalidate the sale and was not fair to them, etc.

I was not able then or now to see where the extension of time could possibly be unfair to anyone desiring to purchase the timber; and, in fact, it was not, for the very good reason that after the notice of extension was published there was sufficient time to make the most thorough examination.

They insisted that the timber would bring a higher stumpage price if not sold under this plan, and, therefore, it was unfair to the poor Indians and should not be forced upon them, and they also insisted that they were opposing the plan in order to protect poor "Lo" and to bring about the adoption of some other plan by which the Indians would realize several dollars per thousand more for their timber.

Just think for one moment of these lumbermen who desired to purchase the timber, insisting on the adoption of some other plan which would make it necessary for them to pay a much higher price! It must be apparent to anyone that if the timber would bring as high a stumpage price under the plan to construct mills and manufacture it into lumber on the reservation, no honest argument can be offered that this would not be the best and most favorable plan to the Indians.

If the timber should be hauled away and manufactured outside of the reservation, the Indians could only take part in the logging; while if it is manufactured on the reservation they will have employment in connection with the construction of the mills and other improvements and building and operating

the railroad which will open up and develop the reservation, and they will have opportunity to work in the woods during the winter and during the summer in the sawmill, planing mill, box factory, etc., and take part in loading and shipping the product. The establishment of a large plant like this on a reservation would soon grow into a small village and afford a strong home market for many articles the Indians make and such garden stuff and hay as they raise, and encourage them in this line of work. With a mill located in the timber from 10 to 25 per cent of the timber which is left where the logs are railed, or driven off the reservation, will be utilized. In fact, this is the only way to successfully handle hardwood and mixed timber.

When the mill is located in the timber, the operator only pays freight on the manufactured product, while if the timber is shipped before it is manufactured it is necessary to handle and pay transportation on the bark, slabs, cull stuff, etc., and an operator will clean up his timber better if the mill is located near the operations.

The Indians were not opposed to this plan, although many of them were induced to sign and take part in protests as the result of willful deception and falsehood. They were told they would only receive a small stumpage price not to exceed from one-fourth to one-half the price offered by Mr. Herrick, and that they would not be allowed to have firewood for their own use, etc.

Mr. Herrick's bid was highest and best by over one-half million dollars and this sum would be greatly increased by his offer for certain species of timber not mentioned in the specifications, and which, if not cut with the other timber, would be almost a total loss. The bids were not close. Mr. Herrick's was much higher than any of the others. There was nothing whatever in the Nichols-Chisolm Lumber Co.'s and the Lyman-Irwin Lumber Co.'s bids to deceive the most ordinary person, even if without any experience in timber matters. These two bids were unfair and unbusinesslike on their face, and clearly showed the intention to take advantage of the Indians through deception or collusion with the Government.

The scheme was to get the pine at from $600,000 to $700,000 less than Mr. Herrick had bid by offering to pay the Indians several thousand dollars more for the hardwood than it was worth, and, incidentally, to raise a question as to which was the best bid and thus afford some record excuse for the rejection of all bids if the commissioner was so disposed—and he was.

Examined by Mr. GRAHAM:

Q. Mr. Farr, give your full name, please.—A. Joseph R. Farr.

Q. Where do you now reside?—A. Phillips, Wis., has been my home for many years.

Q. What is your present occupation?—A. Lumberman, I claim to be. I have been in the service for a number of years.

Q. When did you first enter the Government service?—A. In November, 1899.

Q. In what capacity?—A. General superintendent of logging for the State of Wisconsin.

Q. Was that the Federal Government service?—A. Yes, sir.

Q. At that time what experience had you had in timber work and logging?—A. For the past 30 years that has been my occupation.

Q. You were actively engaged in logging in one way and another?—A. Yes, sir; in every feature of the work. I had had perhaps 20 years' experience when I entered the service.

Q. But when you entered the Government's employment, I understood you to say you had supervisory charge of the Government's logging interests for the entire State of Wisconsin?—A. Yes, sir.

Q. How long did you continue in that particular service?—A. I think it was about a year.

Q. What was your next employment?—A. My jurisdiction was extended to the entire Indian reservations.

Q. Embracing about how many States and Territories?—A. I could not state definitely; the States where reservations are located that carry timber.

Q. Your duties brought you to these various States and Territories, I suppose?—A. Yes; as fast as I could reach them.

Q. What subordinates did you have in each of these States?—A. The agency forces and parties employed specially in timber work would be in a manner subject to my direction.

Q. What I want to get at, Mr. Farr, is this: After you became general superintendent of logging on all the Indian reservations, was your personal relation with the work kept up and continued as before?—A. Why, in a very similar way. The territory was enlarged so much that I could not make a personal examination to the extent that I did when I had only the State of Wisconsin.

Q. How long did you continue in that capacity?—A. Until July 25, last year.

Q. Did you then leave the Government service?—A. Yes, sir.

Q. You are not now in Government employ, are you?—A. I am not.

Q. During the time you served the Government, who were your superior officers, beginning at the beginning?—A. The Commissioner of Indian Affairs and the Secretary of the Interior. I was subject to orders from both the office and the department.

Q. As a matter of fact, I suppose your relations were mostly with the Commissioner of Indian Affairs?—A. They should be almost entirely.

Q. Who was the Commissioner of Indian Affairs when you went into the employ of the Government?—A. W. A. Jones.

Q. Who succeeded him?—A. Mr. Leupp.

Q. About when?—A. I should judge that it was in the fore part of 1905 or the latter part of 1904.

Q. The Commissioner of Indian Affairs has certain subordinates who are in the nature of confidential aids to him. Did the commissioner then have such assistants?—A. The field men are usually in that capacity. We always considered Mr. Valentine as the commissioner's special representative, and we frequently had to transact our business with him as representing the commissioner.

Q. Do you remember when Mr. Leupp ceased to be commissioner?—A. I can not fix the exact date.

Q. Who succeeded him?—A. Mr. Valentine, the present commissioner.

Q. In your statement, which I have just read, Mr. Valentine is referred to as holding a confidential relation to Mr. Leupp in the first instance, and afterwards as having been made assistant to the commissioner; and a little later as having succeeded him. He is the present Commissioner of Indian Affairs?—A. He is.

Q. And has been since he succeeded Mr. Leupp?—A. Yes, sir.

Q. I suppose that your statements show for themselves your experience in logging and timber work; but, in addition to that, I will ask you if you consider yourself an expert in that line?—A. My experience has extended over 30 years, and prior to the time that I entered the service I was considered an expert, and was frequently called into court in that capacity.

Q. As an expert?—A. As an expert.

Q. And since that occurred, you have, as I understand, devoted most of your time and energies to the work of logging and handling timber?—A. In the department, do you mean, or——

Q. Well, it would not matter. It is the experience I am trying to get at.—A. Yes; I have devoted all my life, since I reached the age of manhood, to the various branches of timber work, including scaling and estimating and surveying, and I logged several years for myself.

Q. Now, Mr. Farr, the committee would like to hear from you a more elaborate statement of the facts than there is in this outline, and I scarcely know what is the best way to get it, whether to leave it to you in the first instance to make that statement or whether it were not better to develop it by means of question and answer. Have you any suggestion to make?—A. I felt that from that statement you would, perhaps, be able to bring out what the committee desires to know, so far as I can furnish the evidence.

Mr. GRAHAM. Judge Burch, may I impose the task or duty on you?

Mr. BURCH. Well, yes.

Mr. GRAHAM. You told us yesterday that you were yourself an expert logger.

Mr. BURCH. No; a logger.

Mr. GRAHAM. I confess I am not.

Mr. GEORGE. The committee is unanimous in that regard.

Mr. GRAHAM. If you please [to Judge Burch], you may proceed.

Mr. FARR. I would like to make one request at this time, Mr. Chairman. I noticed in one of the papers, and I have heard remarks supporting it since my arrival here, that Mr. Beaulieu has charged that I was implicated in some unfair way, I should judge from the brief notice in the press; and I would like to know just what statement he has made in the record and what, if anything, he has offered in support of it.

Mr. GRAHAM. None in the record. You are here now in obedience to the request of the committee, and of course will have to remain here until the committee excuses you. I recall no statement made by Mr. Beaulieu into the record affecting you particularly. If I am in error about that, I would like to be corrected.

Mr. FARR. I believe Mr. Linnen was one of the parties that said such a statement had been made. I also read it as a quotation in the paper. It may have been an open statement.

Mr. GRAHAM. Would some one call the committee's attention to it, in the paper or elsewhere?

Mr. BURCH. I don't know where the paper is. I don't know where the statement was. Perhaps if Mr. Beaulieu did not make such a remark he will state, and if he did he will state it now.

Mr. GRAHAM. What is the fact, Mr. Beaulieu?

Mr. BEAULIEU. I certainly made the statement that Mr. Farr was connected with it, and I shall try, through him, to show just what his connection was.

Mr. GRAHAM. His name was mentioned as one of the Government employees.

Mr. BEAULIEU. He was the man in charge of operations, and he supported that; that is the proposition, but I do not know as I charged him with being——

Mr. GRAHAM. I recall no reflection.

Mr. BEAULIEU. There was no intention to make any reflection against him, except that he was closely connected with the proposition and favored it very strongly.

Mr. GRAHAM. You were bitterly opposed to what you designate as the Wisconsin plan, and he favored it, and you mentioned him as one of the persons who favored it, but I recall no reflection.

Mr. FARR. It came to me that way, but Mr. Beaulieu's statement is perfectly satisfactory. I admit that I was connected with it in a very emphatic manner and on the opposite side so far as what should take place.

Mr. GRAHAM. Well, that will develop as we go along. Now, Judge Burch, if you will proceed.

Mr. BURCH. In connection with this, my understanding is—and in that I am confirmed by both my friend, Mr. Linnen, and my associate, Mr. Cain—that what Mr. Beaulieu said, in effect, was that this attempt to foist upon the Indians this Wisconsin plan implicated (or words to that effect) the Indian Office. That is, sprung a snap judgment and that sort of thing in the matter of these bids, and that he did mention Mr. Farr in response to questions asked by the chairman of this committee as to whom was meant; but I didn't understand him to say that he was criminally implicated; he was——

Mr. GRAHAM. On the wrong side?

Mr. BURCH. He was the person who was pushing this. If I am not correct we may as well have it corrected.

Mr. GEORGE. Those were in the Minneapolis hearings?

Mr. CAIN. No, sir; here.

Mr. FARR. I can perhaps simplify this, if you will allow me. In view of what Mr. Beaulieu now states, that he did not intend to reflect on me in any manner, I am perfectly satisfied. As the case goes along the facts will develop to cover that point.

Mr. GRAHAM. That is the better way.

Mr. FARR. But I wanted to know, if Mr. Beaulieu had made that statement, what he had to offer in support of it, before I had furnished complete information.

Mr. GRAHAM. Well, it will develop as we go on.

Examined by Mr. BURCH:

Q. Mr. Farr, when did you first become personally acquainted with the White Earth Reservation?—A. That was in the season of 1900 and 1901, in connection with the discovery and making a scale of green timber under the dead-and-down timber contracts.

Q. Was this in the 36 townships, or the diminished reservation of the 32 townships?—A. That was the diminished reservation.

Q. Then there were troubles with portions of the dead-and-down timber—trouble or inequality, or whatever it might be termed—on the White Earth Reservation itself; that is, the dead-and-down timber operations extended to the White Earth Reservation itself?—A. Yes; our scale showed about 8,000,000 feet.

Q. Who had cut that dead-and-down timber, or don't you recall?—A. The Commonwealth Lumber Co. had cut, I believe, in the neighborhood of 6,000,000. The balance, I think, was charged to the Wild Rice Lumber Co., and perhaps one or two small operators.

Q. This Commonwealth Lumber Co. was the predecessor, that is, the company which was afterwards merged into the Nichols-Chisolm Lumber Co.?—A. I believe so.

Q. That 6,000,000 feet was the subject of a suit called "The United States against the Commonwealth Lumber Co.," which was tried at Fergus Falls later on, in which the Government secured judgment against the Commonwealth Lumber Co.?—A. Yes, sir.

Q. You measured up that dead-and-down timber trespass, or whatever it might be termed?—A. That would not be exactly correct. I discovered the cutting of green timber and went there and made a partial scale.

Q. That is immaterial. I am getting the history.—A. The Government finally scaled it up.

Q. Well, you personally went there?—A. Yes.

Q. That is what I want to get at. This was in 1900 or 1901?—A. That would be in 1901.

Q. Now, were you cognizant of the condition of the Indians through that trip at that time?—A. I became very familiar with the reservation. I was down there many days.

Q. Who was agent then?—A. The predecessor of Michelet, I suppose?—A. He used to reside here. I would know the name—Sutherland.

Q. Did you find any cause for complaint with the timberland at that time outside of the dead and down timber?—A. That was the only portion.

Q. Now, state to the committee as nearly as you can, but briefly, what was the pine timber condition and whether any valuable hardwood existed at that time upon this reservation—the extent of it, etc. Describe it in your own language. —A. There was a large amount of very nice white pine and Norway pine. The amount of hardwood was small and scattered and was what you would call of inferior quality.

Q. How about the Jack pine, if any?—A. Some Jack pine mixed in.

Q. Merchantable at all—that is, at that time? Had it any merchantable value?—A. I felt that it did.

Q. Now, at that time. I am getting now your first acquaintance. What was the probable stumpage value of that timber, taking it on an average? I mean at that time. I want to show its progress, if any.—A. Oh, it would be difficult to state the progress in the stompage value of pine from one year to another, as so much depends on local conditions and transportation facilities and other operations coming in there—getting a market. The stumpage would bring a good price at that time.

Q. The act of 1889, commonly called the Nelson Act, fixed a minimum price upon pine timber of $3 per thousand. Presumably, from the circumstances, that would be tree estimates—estimates in the tree. This, mind you, was in 1889. At that time, upon an honest and fair estimate, would that have been a fair minimum price?—A. The stumpage would be worth considerable more——

Q. In 1889, now, not in——A. Even at that time.

Q. Your opinion is that it was a low minimum price—$3 per thousand?—A. Yes; it was.

Q. Suppose inexperienced people were put upon the work of estimating. The lowness of the price would be exaggerated, wouldn't it, in fairness to the owner of the property? In other words, suppose inexperienced or incompetent estimators should underestimate the amount of standing pine? That would still further exaggerate the loss, would it not—increase the loss?—A. Why, certainly. An underestimate would.

Q. In the seller or the owner?—A. To the seller.

Q. Did you have occasion at that time—I mean now in 1901—to get any insight or observation of the estimates that had been made on the diminished reservation previous to that time?—A. In a general way I was quite familiar with the estimates before and after I entered the service.

Q. What parties had made estimates, if you remember?—A. Oh, I could not recall. I was in the business of estimating and cruising, at that time, myself, and acquainted with practically all the cruisers in their work in Minnesota and Wisconsin.

Q. In other words, did you hear of the Staples estimate?—A. Oh, yes.

Q. I mean in this connection, did you, coming back to the White Earth Reservation, did you hear of the Staples estimate?—A. Yes, sir.

Q. Now, was that Staples estimate over the White Earth Reservation, or was it only in the Red Lake district, or don't you remember?—A. I don't recall whether it extended to White Earth or not.

Q. Did you hear of the Douglas estimate?—A. Yes, sir.

Q. That was on the diminished reservation, or only the four eliminated townships, which?—A. I was more familiar with it where it applied to the reservation of the Leech Lake Agency.

Q. Oh, well, I don't care for that, then; if you didn't hear of it in connection with the White Earth Reservation, I don't care so much about it. Now, did you hear of a Sam Davis estimate?—A. Yes, sir.

Q. Now, just state to the committee, in your own language, what you learned in regard to those estimates, what your observations were, if any—I mean as applied to the White Earth Reservation all the while.—A. A Mr. Fred Herrick made application, I believe, first in person, to purchase the timber on the White Earth Reservation. Commissioner Jones referred the matter to me, and it afterwards became a matter of correspondence with the Indian Office. I insisted that the timber should be estimated before any sale could take place; that it was necessary to know approximately the amount of each species and its location in order to enable the office to determine its value. I think the proposition that Mr. Herrick first put up was that they could set a price and he would purchase, and that was one of the propositions they put up to me.

Q. At private sale?—A. Or whatever way you would call it—"let the office set its price."

Mr. GEORGE. When was this?

The WITNESS. That would be in the fall of 1904. And I believe that they agreed with me that an estimate should be made. I was not able to attend to it myself, but suggested that competent men be selected, and I would go over the work. Afterwards Mr. Davis——

Mr. BURCH. School-teacher?

The WITNESS. As I understand, he was a school supervisor or a school teacher, and he was put in charge of making the estimate.

Q. He is in some agency in Nebraska, still in the service?—A. I believe that is the gentleman. The estimate, such as it was, was completed, I think——

Q. Before November?

Mr. BEAULIEU. Well, let him testify.

A. After the timber had been advertised, but prior to the opening of the bids in November.

Q. Do you know the class of men he had?—A. I do not, to such an extent as I would care to pass on their qualifications.

Q. Do you know how the timber turned out at that time, compared with the estimates he made? Since that time have you acquired knowledge as to how the timber turned out to any extent?—A. Why, in a general way, both since and before.

Q. State.—A. His estimate was entirely too low on all the timber, I think, and particualrly on the pine. But it was hurriedly made.

Q. The short time furnished much excuse for that?—A. Yes: I would say that in the time spent there it would have been almost impossible to have made a reliable, first-class estimate.

Q. Now, I understand, Mr. Farr—if I understand your statement—that you were informed of this proposed sale by sealed bids before it occurred in the first instance?—A. Yes; the plan was thoroughly discussed, and it was finally decided to sell under the plan that was afterwards adopted. But the estimate should be made first: and several months elapsed, I think, during the time that I had no connection with the matter, until on August 10 I received notice that it had been advertised under the "mill plan."

Q. The sale to occur when?—A. The sale to occur September 5.

Q. Then you had 25 days' notice, in effect: August 10 to September 5?—A. Yes; my notice was sufficiently long, but it was not——

Q. No matter; you had 25 days' notice. Now, did you protest or do anything about that to postpone it?—A. Yes. As soon as I received the notice I wrote to the office to furnish me specifications and rules and regulations, and expressed my regret at the short time, and when I received the rules and regulations and specifications I wrote a long letter, and as the result of an exchange of telegrams and letters with the office and department the time was extended to November 15, I think. I have the record here.

Q. And have you your protest—your letter—I mean copy of it, or something?—A. Yes; I have the record complete.

Q. Now, after receiving that notice, I wish you would read into the record the first communication you had with the Indian office on that subject. Read the first communication you had with the Indian office on that subject and the correspondence following.

The witness here produced certain correspondence, consisting of copies of letters and telegrams, which were read into the record by Inspector E. B. Linnen, on request, as follows:

BARAGA, MICH., *August 16, 1905.*

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am in receipt of your communication, "Land authority 95597," of the 10th instant, advising me that on August 7 the department authorized the sale of the timber on allotments on the White Earth Reservation, Minn., the bids

to be opened at the White Earth Agency September 5, 1905, and that I be present and take part.

I will be there, and, if possible, one or two days in advance, in order to have time to look over the situation generally and determine, if I can, if any combination has been formed.

If convenient, will you at once send me copy of the specifications for the sale and rules and regulations?

I am sorry, and do not understand why so short a notice was decided on. If said notice is seen at all by outside parties, it will not give them a reasonable time to properly investigate and consider so large a proposition, requiring the building of a sawmill and the construction of a considerable amount of railroad. The latter is very important, for the price of the stumpage will depend somewhat on the arrangements the purchaser can make with some railroad company. I assume, however, there was some good reason offered in support of the short notice. I feel certain the Indian agent would see the advantage and request a longer time, and in all probability has done so. It is true the notice is plenty long enough for some local company acquainted with the timber and reservation and would give them decidedly the best of it by reducing the number and character of the competitors.

I will be there before and at the time of the sale; and if for any reason the bid or bids do not fairly represent the present and future value of the timber, I will not hesitate to report the facts and give you my views covering the entire situation as it may appear at that time.

I have the honor to remain, yours, truly,

JOSEPH R. FARR,
General Superintendent of Logging.

WASHINGTON, *August 22, 1905.*

JOSEPH R. FARR, Esq.,
General Superintendent of Logging, Baraga, Mich.

SIR: The office is in receipt of your communication of August 16, 1905, concerning the sale of timber on the allotted lands of the White Earth diminished reservation, bids for which are to be opened at the White Earth Agency September 5, 1905.

You say that you will try to reach the White Earth Agency about the 2d or 3d of September and that you will, in accordance with instructions, assist Agent Michelet in the opening of the bids. You request that you be furnished with a copy of the regulations and notice of the sale. You say, however, that you believe it would have been better if the notice had been published longer, as it would give outside parties more time to investigate and consider the purchase of the timber.

In reply, you are advised that a copy of the regulations and a copy of the notice, which is to be published three times per week for two consecutive weeks in several newspapers, the names of which you have heretofore been advised, are inclosed, and that the publishing of the notice only three times per week for two consecutive weeks was because of the desire of the office and the department that the successful bidder have an opportunity to conduct logging operations during the coming logging season.

The notice will be inserted in several of the leading papers in Illinois, Minnesota, Michigan, and Wisconsin, and it is hoped it will be sufficient to give all interested parties reasonable time within which to investigate and consider the proposition.

Very respectfully, F. E. LEUPP, *Commissioner.*

BARAGA, MICH., *August 26, 1905.*

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am in receipt of your communication, "Lands, 6615-1905," August 22, 1905, relative to the sale of timber on the allotted lands on the White Earth Reservation, Minn., and explanation that the short notice of sale was decided

on in order that the successful bidder have an opportunity to conduct operations during the coming logging season.

As stated in my letter of the 16th instant, I consider the advertisement entirely too short, and had the question been referred to me, would have recommended a notice of at least 90 days. My only reason on the 16th, and now, for not urging much longer no ice of sale is that you and the honorable Secretary have uniformly accorded favorable consideration to by recommendation, and that I did and do feel the same action will follow in case I find it necessary at the time of the sale to recommend the rejection of all bids.

If one, two, or more companies have estimated, examined, and considered the proposition of purchase before and since the advertisement for sale, we may receive desirable bids, although many would-be purchasers and the public may not be satisfied, and many will believe the short notice was intended to favor some certain purchaser.

Two or three weeks is not sufficient or reasonable time for investiga'ion and consideration of so large a proposition. A conservative lumber company would require at least 30 days to estimate the timber, and this is only a small par: of the investigation necessary. The purchaser must become familiar with the geographical situation; determine what part of the timber can be handled by water; the proper location for a sawmill: ascertain if all the timber can be delivered to any given point; and, if not, whether it will be necessary to have more than one sawmill; and, if so, can they finish operations in one place and then move the sawmill, or will they have to build more than one.

Considerable of the timber must be handled by rail. The purchaser must know approximately the amount and distance in order to figure on the construction of the required railroad. When this is determined, the question must be taken up with some railroad company. It is usual and be ter for the purchaser to come to some agreement with the railroad company before the purchase. More reasonable terms can be secured. This item of expense is a strong factor in the price the purchaser can pay for stumpage.

The purchaser will be required to invest a large amount of money to properly finance this proposition. The transaction will extend over many years and include the handling of hundreds of thousands of dollars' worth of timber.

The man or company with business ability and money enough to handle this proposition can not make the necessary examination and consideration in much less than 90 days. Of course they may bid, but we can rest assured they will reduce the price sufficient to protect them against all possible loss by virtue of their inability to investigate. Our chances for receiving bids representing the full value of the timber rests entirely on proposition that the certain bidder or bidders have, prior to the advertisement, fully investigated the matter, and this may not protect us if said person or persons are aware that no others have made a proper investigation.

I fully realize that you and the honorable Secretary have acted in this matter on the evidence laid before you, but I feel certain that, while such evidence may be honest in source, it is the same old story—the person or persons furnishing it have not had sufficient experience in the timber business.

A person on the grounds, with limited experience, would notice the advisability of logging certain timber the coming season, while they might not be able to comprehend the requirements and possibilities of the entire proposition. Whether we make a sale on the 5th or lator on, arrangements can be made for the care of the timber that should be logged this winter with but little, if any, loss, while in case of any mistake at the time or in connection with the sale of the timber and establishment of a sawmill can easily result in the loss of from $100,000 to $500,000 before the timber is all out and manufactured. In case of a sale now or later on I will be pleased at an opportunity to assist in drafting form of contract and rules and regulations governing the cutting and manufacturing of the timber. I think this fairly covers the important points in connection with the sale, etc. As said in my letter of the 16th, I will be present at the sale and before, and if the bids are not what they should be I will not hesitate to recommend their rejection. Of cours if you and the honorable Secretary can at this time see your way clear to postpone the sale a reasonable length of time, I would earnestly suggest that it be done.

I have the honor to remain, yours, truly,

JOSEPH R. FARR,
General Superintendent of Logging.

[Telegram.]

WASHINGTON, D. C., *August 27, 1905.*

J. R. FARR,
General Superintendent of Logging, Baraga, Mich.:

Referring again to your letter of the 16th instant, in which you expressed opinion that September 5 was too early a date to give outside parties time to investigate White Earth logging contracts and thus secure best results from competitive bidding, we have proposed extending time to October 2. Will that, in your opinion, afford sufficient opportunity to all persons to obtain the information necessary to enable them to bid intelligently? If not, State why and what time, in your judgment, would be sufficient. Wire answer at once.

LEUPP, *Commissioner.*

[Telegram.]

BARAGA, MICH., *August 28, 1905.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

My letter of 26th setting forth reasons why sale should be postponed will arrive to-day. New date should not be earlier than November 15.

FARR, *General Superintendent Logging.*

[Telegram.]

BARAGA, MICH., *August 31, 1905.*

Hon. THOMAS RYAN,
Acting Secretary Interior, Washington, D. C.:

If sold this season, November 15 will give time for examination and consideration timber on White Earth. Amount to be logged this winter should be reasonable, owing to lateness. The sawmill feature should not be dropped. I will be there Monday, consultation L'Anse and Ontonagon Reservations.

FARR, *General Superintendent Logging.*

Q. (By Mr. BURCH.) What resulted?—A. The time was extended to November 15.

Q. Have you any communication of later date, from Mr. Leupp, after the sale had actually been made? At any later date, acknowledging that it was at your instance that this sale was postponed?—A. I have a letter from Mr. Leupp, under date of November 14, the day before the sale, in which he makes this reference to the extension of time:

The first objection was to the date set for opening the bids, and you were, I believe, the first person to file a protest against the date originally set.

Mr. BURCH. Does the committee desire the entire letter? This is the only reference to this matter.

The WITNESS. This letter, in all probability, should become a part of the record now.

Mr. BURCH. Well, I do not see any reason why it should not be read right in now.

Mr. GRAHAM. This is as good a time as any. Hand it over to Mr. Linnen and let him read it.

Mr. Linnen then read the following letter, dated November 14, 1905:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, November 14, 1905.

JOSEPH R. FARR, Esq.,
General Superintendent of Logging,
Care United States Indian Agent, White Earth, Minn.

MY DEAR SIR: This is to acknowledge receipt of your interesting reports of October 28, October 31, and November 7, 1905.

I note what you say in your last, which reached me last evening in time for me to take it home to read, about the imperfection of the regulations adopted in connection with the approaching arrangement for disposing of the timber on the White Earth allotments. I am quite as conscious of the technical shortcomings of the regulations and the advertisement as anyone can be. When, however, the opposition to the proposed system was made known to me on my return from a four months' absence all the business was under way and, in order to justify my stopping and revising it, I should have had to be furnished with some distinct reasons for changes. The first objection was to the date set for opening the bids, and you were, I believe, the first person to file a protest against the date originally set. As soon as reasons for a change were plainly stated the date was changed, and at no time before or since have I manifested the slightest obstinacy as to other changes if I could be shown a sufficient logical cause for making them.

When Senator Clapp came here, as he will unquestionably bear witness, I told him what my interpretation of the advertisement and regulations was then and had always been. I admitted that the forms of expression used were in some cases less clear than I wished they had been, and offered frankly to append my interpretation to the regulations, or to make such changes in their text as would clarify any disputed point to his satisfaction and that of the other persons who shared his critical attitude. He answered that it would be inconsistent with his position in opposition to the whole system to have any hand in modifying its terms. He also expressed his belief that any efforts I could put forth at that late stage to circulate the additional or altered matter would be futile, so far as giving all prospective bidders a like chance of full knowledge before filing their proposals, and he assured me, speaking as a lawyer, that my interpretation and policy would be of no legal effect if questioned in the courts. This left me nothing to do but quash the entire business or hold my peace.

I should have felt very differently, even then, about halting proceedings and beginning afresh, if one element had been left out of the discussion. As long as the question was confined to my good or bad judgment, I was simply seeking for the best light I could get, and at no juncture would have objected to recalling the advertisement and regulations and beginning anew with a clearer and better set, if anyone had shown me where improvements could be made. But there were brought to my ears reports that unless I changed my tactics there would be an exposure of sundry scandalous facts that would account for the position taken by the office. From that moment my course as a self-respecting man was doubly clear. As for myself, I knew there was no ground whatever for such talk; as for the other officers of this bureau, I had every reason for faith in their integrity of purpose, and I should have been false to every instinct of manhood if I had failed to stand by them and demand that all the facts be brought out. If anything wrong is going on anywhere in the Indian service, I am the person most interested in having it unearthed and laid open to the light. If, on the other hand, this was an effort to blackmail me into changing my course, I had no alternative but to let matters stand as they were. This statement of a few facts from the "inside history" of the case will, I think, make it plain why, though admitting that many improvements could have been made in the preliminaries leading up to to-morrow's opening, I have abstained from making any changes in the general program.

I believe to-day, as firmly as I ever did, in the principles underlying the system I had in mind for White Earth, which I publicly commended in a report made by me as a member of the Board of Indian Commissioners nine years ago. As to the details of method to be employed in applying those principles, the counsel of others I have regarded as very valuable and sought it freely.

I labor under no delusions as to my own infallibility of judgment, but rather take pride, if satisfied I have made a mistake, in being the first to try to repair it. But if I yielded my opinion because of veiled threats and mysterious innuendos, I should be unworthy of the good name I have always striven to maintain among my contemporaries.

As I am closing this letter, yours of the 10th instant is handed me; and instead of sending this to White Earth I shall mail it to your Minneapolis address. I wish to thank you personally for the interest you have taken in keeping the office informed of the progress of events, and remain,

Sincerely, yours,

F. E. LEUPP, *Commissioner.*

Mr. BURCH. Mr. Farr, do you have any knowledge, by conversation, or otherwise, who it was he intends to infer here made these veiled threats of exposure, scandal, etc.?

Mr. FARR. Why, that was quite popular in Minnesota at that time——

Mr. BURCH. Well, if you have talked with the commissioner——

Mr. FARR. And I think Mr. Beaulieu could throw a good deal of light on that. He seemed to be of that opinion, that the office and the department were not acting in good faith.

Mr. BURCH. Did you talk with Mr. Leupp about that, ever, afterwards, as to who it was that made these veiled threats and innuendos?

Mr. FARR. No; I don't think that I talked specifically. It was charged, in the papers and otherwise, that there was some unfairness in this sale, and it was openly charged that the short time was adopted for the purpose of giving some purchaser the best of it. I think Mr. Beaulieu charged me up with it, mentioned it in his paper several times. I presume that many others made the same statement against the office and the department.

Mr. BURCH. Well, the point I am making is, that somebody must have been there at the office with Mr. Leupp. Did Mr. Leupp ever tell you who it was that made these intimations, etc., in any conference, at any time? If he did, state it. If he did not, we will go on.

Mr. FARR. I would not like to state anything definite on that. As I recall, he seemed to have acquired some of this information from Senator Clapp, in their frequent discussions of the matter.

Mr. BURCH. That charges had been made?

Mr. FARR. Or had been made.

Mr. BURCH. Now, I will take you along. Did you go to White Earth?—A. Yes.

Q. What did you do next? Did you leave Baraga and go over to White Earth?—A. I did not, at that time; but I was in Minnesota several days prior to the sale. I think I made two or three trips here during the time.

Q. Well, what did you do?—A. Why, I examined into these conditions and advertised the matter largely by meeting the lumbermen personally.

Q. Well, whether you rustled around and saw lumbermen and tried to get them to come and bid. Just go ahead.—A. The rules, I pointed out in my reports, as prepared by the office, were not complete, and for that reason I made a special effort to see all the lumbermen that would possibly bid on the timber and explain to them what would be required. I talked, I think, with most of the bidders that bid afterwards.

Q. Did you talk to Winton?—A. I think not. I don't know that I have ever met Mr. Winton.

Q. Anybody else of the Thief River Falls Co.?—A. I remember talking to the Weyerhaeuser men and their representatives and Mr. Nichols, frequently, perhaps more frequently than anybody else, and perhaps fully 200 people interested in timber matters, during the time prior to that sale.

Q. Then, did you go up there?—A. Yes.

Q. How early did you arrive on the reservation before the sale—before the opening of bids?—A. I am not certain whether I arrived there that morning or the night before. I think I came the morning of the sale, although I had been there on several other trips.

Q. The sale that was not a sale. You mean the opening of the bids?—A. The opening of the bids.

Q. Who was around there when you got there? Describe the scene, what you found was going on, being talked or said.—A. Why, the bidders were there during the day, somebody representing nearly everybody, as I remember. There were quite a number of Indians.

Q. Did you know any of them?—A. Why, I knew a number of them by appearance. Mr. Beaulieu was there; Mr. Fairbanks. The "mill plan" of handling the timber was discussed. I talked with a great many Indians. They informed me that they had been told that the timber would only bring a very small stumpage price. Some of them seemed to think they would not get anything out of it, and a number of them stated that they would not be allowed to cut their own firewood; and just prior to the opening of the bids a number of Indians, I think largely at the solicitation of Mr. Beaulieu, said they wished to have me hear what he had to say, and it was their protest against the sale. I said the bids would be shortly opened and I didn't care to talk in particular on the matter; and several of the Indians got up and registered their objections and protests, and I believe a written proposition was made at that time and I sent a copy to the office. I remember distinctly, because it was at that time put in one of my reports, that three of the Indians who protested against the plan as it had been explained to them, after the bids were open (and, by the way, these three took part in the talk as well), came to me and expressed their surprise and their entire satisfaction with the bids and thanked me for the interest I had taken in standing by the sale.

Q. Who was the apparent leader of them in these protests before the opening of the bids?—A. I think we all agreed on that. It was Mr. Beaulieu, I think.

Q. Gus H. Beaulieu?—A. Well, I don't think there is any question on that point.

Q. Do you remember the others? Have you seen or heard of any of the others?—A. Why, Mr. Fairbanks. I talked with him frequently. He was opposed to the proposition; openly so.

Q. Who were those ones who later expressed to you their satisfaction after they found out what the bids were?—A. Oh, there were a number of them; they were Indians. I would not recall their names and I don't know that I would know them; but that was the general expression following the opening of those bids.

Q. They were satisfied?—A. Yes.

Q. When you say "general," would that include Fairbanks and Beaulieu?—A. Well, I say there was very little said after the bids were opened. I talked with Fairbanks at great length on the subject.

Q. Did he still oppose?—A. Yes; he was not in favor of the acceptance of the bid, and I don't blame him.

Q. What did you do after that? Did you write the department?—A. I notified the office that I thought it would be better to call me in to the office at Washington.

Mr. GEORGE. You mean for a consultation there?

The WITNESS. Yes; and to decide a matter of so much importance, and carrying with it many complications, and particularly owing to the character of the prices offered by two of the bidders on certain species of the timber.

Q. Well, did you go in?—A. I didn't receive any authority or call to go to Washington, so I prepared my report and forwarded it, I believe, on the 16th, to Washington—November 16.

Q. Have you got it?—A. Yes.

Q. Produce it, please. How long is it?

Witness produces papers, and Mr. Linnen reads as before, as follows:

[Telegram.]

WHITE EARTH AGENCY, MINN.,
November 15, 1905.

COMMISSIONER OF INDIAN AFFAIRS.
Washington:

Highest bid for white pine $11 per thousand, and $10 for Norway? This is a complete answer to the opposition.

FARR,
General Superintendent of Logging.

MINNEAPOLIS, MINN., *November 16, 1905.*

The honorable COMMISSIONER OF INDIAN AFFAIRS.
Washington, D. C.

SIR: I hand you herewith schedule of the bids received on November 15, 1905, for the sale of the merchantable timber on the White Earth Reservation, Minn.

Bid No. 3, of Mr. Fred Herrick; bid No. 4, of Lyman-Irwin Lumber Co., and bid No. 2, of the Nicholas-Chisholm Lumber Co. are the three highest bids on their face; however, bid No. 1, of D. H. Winton, is in all fairness equal to bids Nos. 2 and 4, but it is not in any sense as favorable an offer as the one made by Mr. Herrick, and this is clearly evidenced by the bids themselves. Therefore, it is not necessary to further discuss bid No. 1, though it is necessary to discuss bids Nos. 2 and 4 for the reason that the bidder in each case has resorted to what is known as sharp practice or trickery, or more properly termed dishonest. Bid No. 3 by Mr. Herrick is clearly and beyond question the highest and best bid; it represents the full stumpage value of each and every variety of timber, and as a whole, all things considered, is the best bid for timber I have ever seen. His bid covers all of the varieties of timber included in the specifications for sale; he also makes a fair offer for the balance of the timber on the reservation, and his prices are fair, and if the timber is not included in the sale, it will be almost entirely worthless. His bid in every particular is a clean, honest business offer, and covers the full value of the stumpage, and clearly shows his desire to purchase and his intention, if awarded the timber, to cut and utilize each and every variety.

It would not be necessary to refer to bids Nos. 2 and 4 were it not for the fact that in each case they have resorted to unfair methods in an effort to secure the timber without paying what it is fairly worth.

Bid No. 2 by the Nichols-Chisholm Lumber Co. is substantially $2 per thousand less for white and Norway pine than the offer of Mr. Herrick. The pine

will cut over three hundred million, which makes Mr. Herrick's bid about $600,000 higher than bid No. 2. In bid No. 2 the price offered for elm is $15, bass $10, maple $15, ash $20. These prices exceed the value of the manufactured product, and were offered for the reason that the bidder well knew the amount in feet of these varieties to be very small and far less than estimated in the specifications for sale; therefore these offers are from $10 to $20 per thousand more than the stumpage is worth, and even if they were required to cut and pay for the same they could do so and still have several hundred thousand dollars left from the $600,000 they would save on the price bid for pine. Practically the same condition prevails in bid No. 4, with the exception that the bid of Mr. Herrick on the pine is higher by $750,000 than the price offered in bid No. 4. These two bidders, No. 2 and No. 4, the same as all other bidders, after estimating the timber, found the pine would run far in excess of the estimate, mentioned in the specification for sale, and also discovered that the estimates in said specification for the hardwood was much too high.

The pine will cut over three hundred million; it is estimated in the specifications at one hundred and seventy million. The elm, bass, maple, and ash will cut about thirty million, while it is estimated in the specifications at fifty millions. It will perhaps cut this amount if manufactured along the lines suggested by Mr. Herrick, while it will not cut to exceed twenty-five millions of strictly merchantable saw-log timber, and it would be decidedly difficult to get the parties who made bids No. 2 and No. 4 to cut even this amount of timber, for it is clearly evident from their bids that they do not intend to do so and would not where it was possible under any condition or circumstances to evade it.

Mr. Herrick, the same as the other bidders, made a careful examination of the timber on the reservation and based his bid upon his estimate without regard to the amounts mentioned in the specifications for sale.

The parties making bids No. 2 and No. 4 made the same examination of the timber and discovered the amount of hardwood to be very small and the amount of pine to be nearly double the estimate mentioned in specifications, and not being willing to fairly compete for the timber, they make the trick bid, hoping to win by virtue of the improper estimate given in the specifications and on the further assumption that the office, department, and other Government officials are ignorant, if not dishonest.

In determining the best bid, all the timber on the land must be taken into consideration, and the bid that will bring the best results or the most money for the timber is clearly the best one and should be accepted.

The amounts of timber mentioned in the specifications for sale were not based on an actual estimate; it was only a rough guess and not considered important, as the timber would finally be disposed of at so much per thousand, and the amount of each variety would determine itself when cut.

The only estimate the Government has is one made by Sam B. Davis, which was completed, so far as it went, some three weeks after the publication of the specifications for sale, and in round figures is as follows:

Oak, eleven million.

Mr. LINNEN. Is it necessary to read those figures? I presume they are the same.

Mr. GEORGE. Well, those figures seem to be different [referring to Exhibit 40].

The WITNESS. Well, the only way anyone could make any argument about which is the highest bid is to apply his offer to the specifications instead of the timber. We sold the timber, you see. We were selling timber and not specifications; and this is the only estimate that the Government had in its possession on which to apply the bids.

Mr. GEORGE. Then those figures are different from these?

The WITNESS. Yes; those figures are the estimates that you are getting now.

Mr. GEORGE. Well, what is this?

The WITNESS. That is the estimate. The matter was not referred to me.

Mr. Linnen continued to read, as follows:

Oak	11,000,000
Elm	2,000,000
Bass	3,000,000
Maple	250,000
White pine	119,000,000
Norway pine	119,000,000
Jack pine	2,000,000

While this estimate is not right or complete, it shows the relative proportion of the pine and other timber fairly well and fully explains why bidders No. 2 and No. 4 are so high on elm, basswood, maple, and ash, for you will notice the amount of these varieties of timber to be very small, and they can well afford to pay many times their true value and then make substantially half a million dollars on the difference between their bid on white pine and Norway pine as compared with the bid of Mr. Herrick.

The Weyerhaeuser interests made a careful estimate of the entire reservation. After the bids were opened and they were found to be out of the race, one of their men figured out the four highest bids by their estimate, and as a result found and stated the bid of Mr. Herrick to be the highest by about $300,000. All of the bidders and estimators present, excepting No. 2 and No. 4, generally stated and accepted the bid of Mr. Herrick as being clearly the highest and best, without taking into consideration his fair offer for all of the timber not included in the specifications, which will amount to a large sum of money.

I consider bid No. 3, made by Mr. Herrick, will net the Indians at least $400,000 more than any other bid, and I urgently and without qualification recommend that it be accepted.

The bids received should entirely dispose of the Minnesota opposition to the plan of disposing of timber on Indian reservations by the establishment of sawmills. The recent sale is without question the best sale of timber ever made by the Government. During the past three years nearly 700,000,000 of pine has been sold on reservations in Minnesota by the Forestry Bureau and General Land Office, and the average price received for Norway and white pine is $6.56 per thousand. The quality of timber and opportunity for logging and handling the same is without question better than the timber and conditions existing on the White Earth Reservation.

I desire to congratulate and honestly thank you for the firm stand you have taken in this matter, and it will afford me pleasure, outside of my official duties, to assist you at any and all times in the handling of any and all timber matters coming before your office. If in the case of any future sales or management of any timber heretofore sold you will see that the matter is referred to me I think I can assure you that if we go over the matter together before any definite action is taken we will be able to avoid any and all just criticism. It would be almost impossible for me to express my pleasure and appreciation of the position you have maintained in this sale, which has fully demonstrated to the "pine ring" here that they can not run things to suit themselves and get control of the Indian timber for much less than it is worth by objecting to every plan suggested by the office and department, and then, in order to succeed, charge the office, department, and every official with fraud and dishonesty.

Any questions or further information you desire relative to the bids or any drafting or forming of contract to be entered into by the successful bidder, or in completing the rules and regulations, I will gladly furnish by letter or in person as you may desire.

I have the honor to remain, yours, truly,

JOS. R. FARR,
General Superintendent Logging.

Mr. BURCH. Now, what happened?

Mr. GEORGE. Now, get those figures somewhat straightened. There seems to be considerable difference between the estimated number of feet in the schedule that has been read into the record as to bids [marked "Exhibit 40"] and the estimate appearing in your letter. How do you account for those differences in figures? The pine in

your estimate in the letter would measure much more than the hardwoods, the inferior woods, much less than in your letter, than in the schedule marked Exhibit 40.

Mr. FARR. The estimates that I referred to in my report are the result of the estimate made under the direction of the commissioner by Mr. Davis at that time.

Mr. GEORGE. And in the specifications in Exhibit 40 where do those figures come from?

Mr. FARR. I am not able to state. The matter was not referred to me. I presume the figures are based on some guess made by some party in the office.

Mr. GEORGE. What party could it be that would make a guess like that?

Mr. FARR. Why, the commissioner, or somebody in the Land Division. That is not the important feature of it, however. It is something to attract the public attention to the timber and let them know if it was a large or a small proposition. They come up and esimate and bid on their own estimates, not on any estimates furnished by the Government.

Mr. GEORGE. But would it not cause a misunderstanding of the real situation for anybody looking at this estimate seeing these large figures for basswood and maple and the others; whereas, there is a very small quantity of actual wood—wouldn't it give a misunderstanding of the whole matter?

Mr. FARR. It might to an outsider, but the would-be purchaser will go on the land and examine it and know what it is.

Mr. GEORGE. But the public would get a wrong estimate, a wrong understanding of the matter?

Mr. FARR. Yes; that is true. I don't think it is proper to put in estimates.

Mr. GEORGE. That is, the bids Nos. 2 and 4 would seem to be more rational if the amount of basswood and maple and ash appeared to be large in quantity, than if the actual amount of such wood was small in quantity, wouldn't it?

Mr. FARR. Why, it would not be rational under any proposition, for they entirely exceed the stumpage value of the timber; but if the amount was small they would be losing less by making that bid, of course, on the hardwood.

Mr. GRAHAM. As I understand you then, Exhibit 40 was in the nature of a bait to get possible bidders to come and look over the ground and be there?

Mr. FARR. Yes. But I don't think that cuts much figure here. The specifications offered in nearly every sale in no manner comply with the timber that is sold; for in certain cases the timber is advertised with scarcely any estimate, and you have had information here as to prior sales where, even when we had an estimate, it represented only a small proportion of the timber.

Mr. GEORGE. But bidders Nos. 2 and 4 have bid $20 and $25, respectively, on ash. Now, if both of those were trick bids, there might be some trick in putting in the estimate—the specifications—a large amount of ash, so as to delude the public into believing that $20 and $25 would be paid for a large amount of ash, while a low figure was being paid for pine, the really valuable thing?

Mr. FARR. Well, it wouldn't make any difference what the public thought about it. The parties making these two bids would have to make the commissioner and the Secretary believe it. Of course, by putting an excessive amount of hardwood in there, it might be used by the office to raise a question as to which was the highest bid.

Mr. BURCH. Mr. Farr, talking of estimates published in the regulations there, and applying the prices bid by Nos. 2 and 4—the Lyman-Erwin bid No. 4—taking the amount of pine that is put in that estimate in the rules and regulations, in Exhibit 40. But, supposing that you weren't there to watch this thing and sum it up in a report, would not the commissioner and the Secretary appear to be satisfying themselves and public opinion by accepting bid No. 4? In other words, wouldn't it seem to an ordinary mortal, who didn't know anything about such matters, that No. 4 is the highest bid?

Mr. FARR. No. I question whether there is a man in the State of Minnesota who, if made acquainted with the stumpage prices offered, would not know that it was a farce.

Mr. GEORGE. Well, we are not talking about the technical man now. We are talking about the untechnical man, looking on this thing, who would say, "Here is a high price offered for ash." There was a great deal of ash, according to the specifications. It would seem as though that would bring up the total amount of the payment for the Nichols-Chisolm Co., or the other company, bid No. 4—higher than the amount you knew to be the fact, as to the amount of actual wood there. You see, that pine is offered by No. 3 here at a higher rate than the Nichols-Chisolm No. 2. But they are bidding low on the woods of which there is a small quantity, and in this schedule there appears to be a large quantity. Why does this schedule give those high figures for this inferior wood?

Mr. FARR. As I stated before, that is a mistake, and I don't understand where the Indian Office got the information upon which to make such specifications.

Mr. GEORGE. You have stated that there were trick bids here. What I want to find out is whether there is not a trick in the schedule as well.

Mr. FARR. The schedule is a mistake, or the trick bid could not have been made. That is a fact.

Mr. BURCH. Let me ask you a question. There would be no object in the trick bid on the kind of timber that actually existed. The specifications being wrong, would make it possible to benefit by making such a bid.

Mr. GRAHAM. As a matter of fact, do you know whether the hardwoods mentioned here were removed from the ground, or whether they were permitted to remain?

Mr. FARR. The best information I have, in a general way, is that the hardwood timber remains.

Mr. BURCH. Suppose, at that time, Mr. George, inexperienced in lumber or timber matters, had been Commissioner of Indian Affairs—or, if you choose, the Secretary of the Interior. Suppose these specifications had been presented to him, with these bids, for approval; and, acting upon the mere mathematical features of applying the amounts bid to the amounts stated in the estimates furnished the bidders, would he not have reached the conclusion that

bid No. 4 was the best bid in the lot? Mathematically, would he not have reached that conclusion?

Mr. FARR. That may be a fact; yes.

Mr. BURCH. Well, is it?

Mr. FARR. I don't know. I have not gone over them in that respect closely.

Mr. BURCH. But you say that if he had had the benefit of your knowledge of the situation, and of that of the other people, or the equipment and knowledge of any one of the lumber men bidding here, No. 4 would not have appeared to be the best bid at all. Is that what you mean to say?

Mr. FARR. No; it would not, of course.

Mr. BURCH. By several hundred thousand dollars—that is the substance of your report?

Mr. FARR. Yes.

Mr. BURCH. In other words, the practical knowledge applied to the situation as it transpired there would enable a man to know which was the best bid, while a lack of that practical knowledge might demonstrate the worst or poorest bid to be the best. Is that so?

Mr. FARR. Well, in a limited way. But the bids for hardwood exceeding the bids for pine, or nearly doubling them, it would be difficult to find in the Northwest a man—whether a timber man or not—who would pass upon such a paper and not see at a moment's glance that it was not right.

Mr. GEORGE. Who in the world would make the wild figures like these in this schedule I can not understand.

Mr. FARR. I can not understand it. I do not know why it was made. It was made at Washington.

Mr. GEORGE. Has it ever occurred to you to follow that up?

Mr. FARR. You will notice by the records that I followed things up.

Mr. GEORGE. Well, this particular thing as to the estimate?

Mr. FARR. Why the estimate got in there?

Mr. GEORGE. I mean in the schedule. I don't mean anything else.

Mr. FARR. I called it to the attention of the office, and also called their attention to the incomplete rules and regulations, and did everything I could.

Mr. GEORGE. They have not appeared here in the letters you have read.

Mr. FARR. But they are here in subsequent correspondence.

Mr. GEORGE. Well, then, we have all the light we can get just now.

Mr. GRAHAM. Proceed, Judge, please.

Mr. BURCH. What happened next after your making that report?

Mr. FARR. I followed that with one or two reports.

Mr. BURCH. Have you got them?

Mr. FARR. I made a report under date, I believe, of November 25.

Mr. BURCH. Just hand it over and let Mr. Linnen read it.

The witness handed paper to Mr. Linnen, who proceeded to read as follows:

SHAWANO, WIS., *November 25, 1905.*

Honorable COMMISSIONER OF INDIAN AFFAIR,
Washington, D. C.

SIR: In considering the bids for the sale of the timber on the White Earth Reservation, Minn., but little reliance can be placed in what may seem to be the

desire of the Indians as set forth by petitions and otherwise. Said petitions and expressions do not represent the Indians' best interests and are not intelligent expressions. While the petitions and other protests before you would seem to include almost the entire tribe, this is not true. A very small percentage of the mixed bloods, cooperating with certain lumbermen, get up these protests to suit themselves, and favorable to the objects they desire to accomplish. The great majority of the Indians are not competent to intelligently decide so important and complicated a proposition, and do not know what will be to their best interests, even when the facts have been fully explained, and in this particular case they do not know the facts or understand the great advantage and benefit sought to be conferred upon them.

About all they know on the question is what certain mixed bloods and lumber interests have told them. It would be difficult to find a more damaging and dishonest case of deception. They have not stopped at any falsehood necessary to win their point. Some of the Indians who took part as representatives of the tribe in making the written protest just before the bids were opened (a copy of which I furnished you) told me after the bids had been opened that they were surprised at the high prices offered, and were fully satisfied, and that they entered the protest upon information that the timber would not bring one-half the price named in the bids, and that under the proposed plan they would not even be allowed to cut the necessary firewood, and a whole lot of other trash too absurd for serious consideration by white men, but just right to fool and deceive the Indians.

For your information I desire to say that during the afternoon of the day of the sale enough of the facts as to the price and conditions under which the timber will be disposed of became known to make it utterly impossible for the "gang" of deceivers to hold the Indians in line, and many of them, including three of the leading speakers in the protest, came to me and expressed their surprise, appreciation, and thanks for what had been done, and also explained how they had been deceived from the start and induced to make the abovementioned protest.

This condition was so pronounced that the opposition to the sale were forced to adopt a new plan in order to carry on the deception and create further dissatisfaction among the Indians. This opportunity was furnished by the "trick bid," offering from $15 to $25 per thousand feet for basswood, elm, maple, and ash.

The amounts of these varieties of timber are very small, and particularly in comparison with the quantity of pine. But the poor full bloods do not know anything about the amount and value of the timber.

During the evening of the day of the sale I met one of the mixed bloods, a leader in the opposition and reputed to be worth $125,000, advising the members of the tribe to oppose the sale of the timber to Mr. Herrick, and also making many misleading statements in connection with the entire plan. However, he could not say anything against the prices as they had become generally known among the Indians. I asked him if he acknowledged the bids made by Mr. Herrick to be the highest and best. He said, "No." Then I asked him why he was trying to influence the Indians against that particular bid. I knew he knew it was the best bid. He replied that it was liable to be considered the best. I then insisted, inasmuch as he was assuming to act as adviser to the Indians, that he state, there in their presence, which in his judgment was the best bid for all the timber and the Indians. He replied that according to the specifications for the sale the best bid was the one made by the Lyman-Irwin Lumber Co. I then made him admit that the specifications were not right and that if the actual amount of timber was considered the bid of Mr. Herrick was decidedly the best, and that if a sale took place he would prefer that the Herrick bid be accepted.

I knew it would make several thousand dollars difference to him. He, however, insisted that the sale should not take place, and in order to further influence the Indians said if he had an allotment of timber with ash he would want the Lyman-Irwin bid accepted, as under that bid he would get $25 per thousand feet for the ash. I then and there made him admit that the amount of ash was very small and scattered over the reservation generally and not worth to exceed $4 per thousand and asked him, even if he had a claim timbered with ash, would he expect the Government to accept a bid by which he would get $21 per thousand more for his timber than it was worth and therefore cause the other Indians to sell their timber at considerably less than it was actually worth and cause a loss of not less than $500,000 on all the timber. He simply could not answer and had to move on.

Now, this party, the same as all other persons acquainted with the timber, well knows that the bids are not closed and that the bid of Mr. Herrick is clearly the best, but this man, in common with a few others, does not want any bid, no matter how high, to be accepted. They desire some plan by which they can purchase the timber direct from the Indians, knowing that in many cases $200 means as much to a full blood as $1,000. Under some plan of this kind they could get control of the Indians' timber on most any terms satisfactory to themselves.

The certain mixed bloods and lumbermen who have and do oppose the sale know that the lumber companies who bid so high on the hardwood do not consider that class of timber worth scarcely anything. They know the amount to be small, and they do not intend to cut it. If their bid should be accepted, the next move would be to get the Indians to insist, by protest and otherwise, on retaining the hardwood for various purposes and reasons, and they are always willing to pay what is necessary to get the desired protest or recommendation from the Indians.

The effort to get this timber by means of the "trick bid" appeals to me as an insult to our experience, ability, and honesty. The practice of securing timber by any such a plan is an old one and died several years ago by virtue of its own rot.

If in order to determine the best bid you desire to apply the price named in the different bids to the different varieties of timber and do not feel justified in accepting my views as to the amounts, then the bids must be applied to such estimates as you have, and they are confined to the estimate made under your direction by Mr. Sam B. Davis, and are as follows:

	Feet.
Oak	11,000,000
Elm	2,000,000
Bass	3,000,000
Maple	250,000
White pine	119,000,000
Norway pine	119,000,000
Jack pine	2,000,000

By applying the prices named in the several bids to this estimate you will find the bid of Mr. Herrick to be far the best, and as the amount of timber will far exceed the estimate the advantage of his bid will be increased accordingly.

The amounts of timber mentioned in the specifications can not be used. They are not the result of any estimate. The amounts are not right or the different varieties of timber properly proportioned. They can not be binding in the determination of the best bid. If they were binding in this case, they would be binding after the sale, and the Government would have to furnish the exact amount of each variety, and no more.

In former reports I have at some length discussed the absurd claim of the opposition that under the mill plan the successful bidder will have a monopoly. I will repeat that it is impossible to dispose of the timber in question under a plan where the purchaser gets less of a monopoly, and the Indians are accorded greater privileges. In all other plans the timber is sold to the highest and best bidder, and if disposed of under some other plan a sale actually takes place and the purchaser is awarded the timber, and it can not be taken away from him. The Indian must sell, and the purchaser pays for it when it is cut. In this case the highest bidder only secures the exclusive right for a term of five years to purchase timber from any Indian desiring to sell at not less than the price named in his bid. It will require five years at least to cut and manufacture the timber on the White Earth Reservation. Therefore if it was sold under any other plan the purchaser would actually secure title to all the timber, and certainly be given a reasonable time, which could not be less than five years, to remove it in.

I do not consider this report necessary, but it can not do any harm, and it is possible that it may be of some assistance, and further, the difference in the bids being from $400,000 to $500,000, I would not feel justified in neglecting anything that might result in the loss of this vast amount to the Indians.

I have no friends to favor or enemies to punish in the case of this sale or any other. It does not make a particle of difference who makes the highest bid. I always have and always will be unqualifiedly in favor of accepting the *bid*, when it is high enough, that will bring the best result and most money to *the* Indians.

In all the sales of timber I have a personal as well as official interest in seeing that the timber is properly advertised and sold, and the logging and manufacturing carried on under practicable and workmanlike rules. For in any case where this is not done I am always held responsible throughout the entire lumber district, for it is well known that I am entirely familiar with the timber business in every feature, and for this reason if any mistake is made it gives certain parties an opportunity to question the honesty of my supervision.

I have the honor to remain,

JOS. R. FARR,
General Superintendent of Logging.

Mr. BURCH. This is evidently in response to a submission to you by somebody of those protests you spoke of—the protests made by the Indians. Did you receive such protests?

Mr. FARR. At the time of the sale, as I state in that report, I forwarded to the office the protests made at that time.

This report that you have just read, I presume was prompted by statements appearing in the press and interviews to the effect that the sale would be thrown out, and I thought that perhaps I should state something further in connection with these matters.

Mr. BURCH. Then what happened next, Mr. Farr?

Mr. FARR. Why, I made several other reports before the rejection.

Mr. BURCH. Before the rejection?

Mr. FARR. Before the rejection and after.

Mr. BURCH. Well, have you got them?

Mr. FARR. I think so.

Mr. BURCH. Well, if they are not too voluminous——

Mr. FARR. Well, prior to the sale I made four or five reports, as I have stated, in the paper I handed to you, covering the entire situation.

Mr. BURCH. Do you mean prior to the rejection or prior to the sale?

Mr. FARR. Prior to the rejection of the bids.

Mr. BURCH. Well, you said sale. Well, now, produce them, go right along with it and show the next in order.

Mr. FARR. In the letter from the commisisoner he made reference to several reports, and if it is desired I will have them read into the record now.

Mr. BURCH. Yes.

Mr. Linnen then read the following:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Phillips, Wis., October 28, 1905.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: My attention has just been called to an article in the press urging the indefinite postponement of the sale of the timber on the White Earth Reservation, Minn., advertised to take place November 15, 1905.

From this article and other information received at the time of my recent visit to White Earth, I conclude strong pressure has and is being brought to prevent the carrying out of the plan for the disposal of this timber, adopted by the department and office.

I am most emphatically in favor of the sale taking place; that is, that all bids offered be received and opened as provided November 15. If any of the bids are not satisfactory, they can all be rejected.

I am unable to find a single reason why the sale to the above extent should not take place. All expense connected therewith on the part of the Government and Indians has already been incurred. Therefore nothing would be saved *by the postponement* at this time.

It would also be unfair to the parties who have acted in good faith following the advertisement and spent a large amount of money and time in making the examination, and who in all probability are prepared and willing to meet any and all competition.

In my judgment the bids should be received and opened, even if a sale does not take place. We have already incurred the expense, and the bids can not fail to be a great source of information and assistance in the future in handling this timber if we decide not to accept any of them at this time.

It is true that the specifications for the sale and the rules and regulations are not complete, and in some places inaccurate, and many objections can be logically urged against them. However, in view of the fact that we reserve the right to reject any and all bids, these defects can be remedied in drafting the contract with the successful buyer, and at the same time make all necessary change in the rules and regulations, notwithstanding that such action may not be in harmony with the advertisement. For if the successful buyer objects, his bid can be rejected. In other words, the successful buyer must conform with your form of contract, rules, and regulations in order to get the timber.

It was most unfortunate on the start that a proper time was not given, which made it necessary to grant an extension. This naturally gives the opposition some grounds to claim that we are not entirely conversant with the situation.

On practically every sale of timber on reservations in Minnesota that have taken place for the past 15 years certain lumbermen have objected. But no one, I believe, has ever heard of a case where they objected to the sale in order to get some other plan adopted by which they would have to pay more for the timber.

If these lumbermen have changed recently, and object to the present plan on the ground that they can purchase cheaper than they can under some other plan, I would like to suggest that I see no good reason why they can not under this plan pay as high a price as they see fit; I feel certain no objection will be made on the part of the Indians or Government.

I notice one of the objections urged is that the present policy would give a monopoly to the purchaser and would deprive the Indians of the increase on stumpage in the future, which they claim is sure to take place.

In reply I desire to say that all lumbermen, in case of a purchase of this kind, give full consideration to the present and future value when determining the amount of their bid.

This condition is not alone true in the sales of timber on reservations; it prevails in the purchase of all timber.

The purchaser, where securing a large tract of timber as against competitors, must fully consider present and future values.

I notice by the dispatches in one of the papers that one of the important objections urged against the sale is that a sawmill to manufacture the timber on the reservation is one of the requirements. And in this connection reference is made to the La Point Agency, in Wisconsin, of which the Bad River Reservation is a part.

The question of establishing a sawmill on the reservation is not an experiment; it has been thoroughly tested and found to be, without question, the most desirable and profitable way to handle the Indians' timber.

On the Bad River Reservation, Wis., the Indian receives $8 per thousand for all pine timber, which includes white, Norway, dead, and down, and they take everything clean. The timber is small, taking over 22 logs to a thousand, and is inferior to the timber on the reservations in Minnesota. However, nearly a billion of feet of pine on the Minnesota reservations has been sold during the past three years, and it does not average within $1.50 per thousand as much as the price received on the Bad River Reservation. And in connection with this price the Indian participates in the price paid for logging and manufacturing timber.

You understand, to log and manufacture timber will cost for labor alone not less than $2.50 per thousand. On reservations where the sawmills have been established the Indians do a liberal amount of this work and get a good share of this $2.50 per thousand. They also receive the benefit of associating intimately with white men, and as a result of this association and work become qualified to care for themselves, and in many cases it has been demonstrated that this class of training has better results than the same amount of time spent at school.

I am prompted in making this report, feeling that it may be a source of information and assistance to you in meeting the opposition. I send it in duplicate, one copy for transmittal to the honorable Secretary.

I do not intend what I have said as a criticism of anyone, and particularly Senator Clapp, for whom I have the highest possible regard, and believe he is working conscientiously in this matter and his present position is based upon information furnished by certain lumbermen.

I do not desire even to criticize the lumbermen, who have a perfect right to buy timber as cheap as possible.

This report is intended to assist in showing up some of the facts. The opposition is only brought into this matter where it becomes necessary in order to get the facts and situation clearly before you.

It is very difficult to discuss in a letter a subject of this kind. However, I feel entirely competent, without regard to the character or number of the opposition, to maintain that the plan of establishing a sawmill on a reservation, under ordinary conditions, is the most profitable and desirable way of disposing of the timber.

I have the honor to remain, yours, truly,

JOS. R. FARR,
General Superintendent of Logging.

PHILLIPS, WIS., *October 31, 1905.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Under date of October 28, 1905, I wrote you in duplicate relative to the sale of timber advertised to take place November 15, 1905, on the White Earth Reservation, Minn., and urged that the same take place.

I have recently received several letters relative to the timber and the proposed sale and making inquiry on many different features thereon.

The inclosed clipping was received this morning, and I quote the following from the letter transmitting it:

"I inclose a newspaper clipping of the White Earth Reservation timber question. I have been over the timber and I find a big bunch of timber there and a good place for a mill. The timber is composed of all kinds and lots of it—white pine, Norway spruce, jack pine, tamarack, northern poplar, 'fine poplar,' and that will work into lumber, basswood, elm, ash, maple, and a larger amount of oak than any of the estimates have shown.

"With one large three-band sawmill for the pine and another smaller one-band mill for the oak, elm, basswood, poplar, and maple, this tract could be cleaned up in splendid shape. Without the mill on the reservation the oak, basswood, maple, and ash will largely be left to waste, and there is considerably over 100,000,000. With this hardwood mill there should be a heading and stave mill, and in the elm and oak the tie timber in the tops should be worked up into railroad ties and the basswood tops and hollow butts made into barrel heading.

"I am positive these estimates, if worked up on the reservation, will overrun fully one-third on everything, especially the oak, basswood, and pine. In looking over their old cuttings I find they do not get over two-thirds the amount of timber from the grounds that we do here at Flambeau. They only take good logs and leave the tops and butts in the woods. The oak, elm, maple, and a part of the bass will not float if the timber is sold to be taken down the river as the Minnesota people propose to do, and the timber is so far from the railroad that the logs could never be drawn to it. This is a good chance for a mill plant, and I would be pleased to bid on same and surprise you at the high prices this timber will bring if worked up on the reservation. With the other timber I will bid on the tamarack, spruce, poplar, heading, stave, and tie timber, and I will make a high bid in hopes to get the timber with a view of putting up the most complete plant in the West."

I don't know that it is necessary to make any comments on this letter further than to say that the writer has examined the timber and is entirely competent, financially and otherwise, to handle it.

It is this class of men and competition to which certain Minnesota lumbermen object, and they are determined in the case of this sale, the same as in all prior sales, to get some good plan by which they can get the timber without competing with men who are willing to pay what it is worth and have had large experience in handling all classes of timber, while the certain lumbermen in Minnesota who object to your plan have had but a limited experience outside of handling pine timber.

As I understand it, the Indian desires to dispose of his timber in the way and under the plan that will produce the best results, and that it is the desire and duty of the Government, so far as possible, to do everything fair, in order to secure for the Indian the highest market price and, where possible, the full value of the timber.

While the timber is advertised to be sold to the highest and best bidder you also reserve the right to reject any and all bids, and this certainly carries with it the right and authority for you, at the time of the same, to vary your action wherever necessary in order to improve the terms and price for the timber. It will have been advertised, and after going over the bids—if for any reason it is found more desirable to sell the pine to one party, the hardwood timber to another, this can certainly be arranged; or if we should find one party making a bid covering all the timber and higher on both the pine and hardwood, there is no question but that the department can require and the purchaser will consent to establish a mill for the pine timber and also for the other timber.

As I understand it in case that none of the bids received are satisfactory and some of the bidders or outside party desired to increase their bids or make a satisfactory offer, the office and department have a perfect right to accept it.

I refer to those points in connection with my report of the 28th to emphasize that the sale should take place; at least the bids be received and opened for consideration.

I have the honor to remain, yours, truly,

JOS. FARR,
General Superintendent of Logging.

Mr. BURCH. I observe that this, too, was before the sale.

Mr. FARR. Yes. The next is dated November 7. I would be glad to have this go in, if you wish; but I am not particular about it.

Mr. GRAHAM. They are the ones referred to in the statement you handed me?

Mr. FARR. Yes.

Mr. GRAHAM. We want all these to go in, and if there are others pertinent, we want them to go in, too.

Mr. FARR. I have others more important.

Mr. Linnen then read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Minneapolis, Minn., November 7, 1905.

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Relative to the proposed sale of the timber on the White Earth Reservation, Minn., advertised to take place November 15, 1905, and to which some of the lumbermen object, I desire to call your attention to my reports of October 28 and 31, 1905, and to further state that since my arrival in Minnesota many of the lumbermen have called on me for information relative to the sale and rules and regulations to govern the logging and manufacture of this timber. They were also very anxious to have positive information as to whether or not the sale would take place as stated in the advertisement. It is clearly evident that the great majority of lumbermen in Minnesota are in favor of the sale taking place, and some of them have made a careful inspection and examination of the timber and are prepared and intend to bid, and I have every reason to believe we will receive several desirable bids.

As stated in my former report, the rules and regulations are not complete and in some features not right. This makes it somewhat difficult for the lumbermen to determine definitely just what they can afford to pay when they do not know all the requirements.

I have unofficially given them a general outline of my opinion as to the requirements in case of a sale, and this information has been to the effect that the operation will be conducted along a line similar, if not the same, as the one in force on the Bad River Reservation, Wis.

I find certain of the lumbermen who have objected to the sale and would prefer to have it postponed, intending to bid if a postponement is not brought

about. They desire a postponement for the reason that they have a vast amount of stumpage on hand at the present time, a large proportion of it purchased from the Indians in the recent sales, and, further, they realize that stumpage is at the highest point now ever reached, and they believe the price is more liable to decline than increase. There are a few other lumbermen in exactly the same condition relative to this stumpage, and that desire the postponement of the sale for the same reasons, and also in hopes of having some other plan adopted, by which they will be able to purchase the timber at a price much less than it will bring under the present plan.

I am advised from a very reliable source that one or two prominent lumbermen have, during the past two or three days, been making an effort to secure the support of others to a proposition of serving an injunction to prevent this sale.

If some action of this kind is not taken, I am most unqualifiedly in favor of the sale taking place, and, as above stated, I feel reasonably certain several strong bids will be made.

Some of the important features overlooked in the rules and regulations are as follows: The amount of timber to be cut and manufactured yearly has not been determined. This is important to the buyer and seller. The amount of money to be paid to the individual Indian at time of making contract for the purchase of his timber has not yet been decided on. On the Bad River Reservation, Wis., the amount is $50. The amount to be paid the Indian yearly after his contract has been made should be provided for. The amount of timber to be cut this winter should be determined and, in all probability, can not be as great, owing to the lateness of the season, as for other years. There are many features, in case of the sale, to be provided for in the contract and rules and regulations, but I believe they can all be adjusted at the time of the sale or at the time when the bid has been accepted. If it is determined at that time, it may be necessary, and perhaps no more than fair, to consult the successful bidder on the amount to be cut yearly and some other features. You understand it would make a great difference to a purchaser in the price he could afford to pay were the amount to be only $5,000,000 instead of $20,000,000 yearly.

I will be in Minnesota on the various reservations, including White Earth, until after the sale, and I am inclined to think it will be advisable for you to write or wire authority for a trip to Washington immediately after the sale, if the number and condition of the bids make it necessary.

I know in advance several bids will be made, and if they are comparatively close on price, this will make it complicated and very difficult to figure out. A telegram or letter will reach me at White Earth on the 14th and 15th, and up to that time mail will reach me at the Nicollet Hotel here.

I have the honor to remain, yours, truly,

———— ————,

General Superintendent of Logging.

At 12.10 the committee adjourned until 1 p. m.

AFTERNOON SESSION.

Mr. GRAHAM. Mr. Carl wants to use Miss Philomene Donnell only a few minutes in order to let her go, and the committee thinks he should be indulged in that. It will only take a little while.

Mr. BURCH. All right.

PHILOMENE DONNELL, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Where do you live?—A. At Mahnomen.

Q. With your parents?—A. Yes, sir.

Q. You were born up there near Mahnomen, were you?—A. Yes, sir; I was born there.

Q. You went to school away from Becker County somewhere. Where did you go?—A. First I went to Red Lake to the sisters' school there and afterwards I came back to Mahnomen and I went to Flandreau three years.

Q. Flandreau is in South Dakota, isn't it?—A. Yes, sir.

Q. How long is the course at Flandreau?—A. I was there three years.

Q. Did you complete the course?—A. No, sir.

Q. Did you graduate?—A. No, sir.

Q. You didn't get your diploma?—A. No, sir. Well, I had just one year. I could have got it, but I didn't go back, but I completed three years, you know.

Q. You are the same Miss Donnell who signed a deed to some land to Mr. John Carl?—A. Yes, sir.

Examined by Mr. JOHN CARL:

Q. Miss Donnell, in order to make this examination as short as possible, I will ask you to make a statement in regard to the deal that the chairman has alluded to. Tell the whole story as you can remember it.—A. Well, Mr. Carl came to Flandreau, I believe it was on the 13th of July; it was in the evening after supper, and he came to the ground there and he asked to see me and of course I went down to see him and we talked about him buying one forty from me, and he said he would give me $500; and I told him I was satisfied with the price and we afterwards stepped in the parlor where he had a deed and I signed it.

Q. After you signed the deed, Miss Donnell, did he give you anything?—A. Why, he gave me, I suppose it was a check he gave me for $500.

Q. Was there anything said as to the amount of the check—what the check amounted to that he gave you after you signed the deed?—A. Why, he told me, "Here is a check," he says "for that forty, amounting to $500." I took that and I was going back up to my room and I met one of my teachers and she asked me what it was, and I showed it to her and she said, "Why, did you sell your land," and I said "Yes"; and she said, "Don't you know you are not allowed to do this while you are at the school; that nobody is allowed to do that?" and I told her I thought after I was of age I was supposed to sell my land if I wanted to. And she said, "not while you are at the school," and I told her I didn't know that.

Q. Was there anything ever done about this sale of land that you speak of, afterwards?—A. Afterwards, I heard that Mr. Brisbois took that case up in Mahnomen because he wanted to buy the land after he heard of it. I suppose there was something said that Johnnie Carl was trying to cheat me out of it; that $500 wasn't enough for that forty.

Q. After you got this check and after you had talked with this lady you speak of—what was her name?—A. Miss Ransom.

Q. Miss Ransom. Did anybody advise you to do anything, or not?—A. Why, she told me, she said after she had told me I was not allowed to sell, she said "The best thing to do is to try to get that land back."

Q. What did you do?—A. Well, the next morning I sent that check back to Mr. Carl.

Q. Did you ever hear from Mr. Carl after that?—A. I wrote a letter and sent the check back, and I suppose—of course I didn't see the check after that—and he said that was not the way to do business; something like that; I don't know just what it was.

Q. That is, he stated that after you had made a transaction once you should stand by it?—A. Yes; something like that.

Q. State whether or not he stated in that letter that he thought that transaction was clear and that you understood you were selling the 40 acres of land for $500.—A. Why, yes; that was the way it was.

Q. Well, did you get your land back finally afterwards from Mr. Carl?—A. Yes; I believe I did.

Q. You believe you did?—A. Well, that is what they told me. I don't know, of course. I have no papers to show that I got it back.

Q. Well, did you ever sell that same piece of land again?—A. Well, that same piece of land I made a contract with Mr. Brisbois for a house and lot at Mahnomen.

Q. Well, now we will go back. How did you happen to make that deal with Mr. Brisbois?—A. Mr. Brisbois sent one of his daughters down to Flandreau that same year—some time the last of September, I think it was.

Mr. GRAHAM. Is Mr. Brisbois a white man?

The WITNESS. I don't know.

Mr. GRAHAM. He has some Indian blood?

The WITNESS. I think he has. He sent his daughter down there, and she got me to go down town one afternoon, and when we were there she told me she had a paper for me to sign, so we went into one of the offices. I guess she had a paper all ready fixed up, you know. She had brought it down from Mahnomen. She told me she wanted me to sign that. I went down there and I signed; I believe it was in Mr. Booth's office.

Q. Who was there besides Mr. Brisbois's daughter?—A. She had with her Miss Katie Parisian.

Q. Anybody else?—A. No; there was no one else there.

Q. Did anybody ever talk to you—any of the school employees ever talk to you—about this land besides those you have mentioned between the time you made the sale to John Carl and the time you signed the papers for Mr. Brisbois?—A. Why, one of the employees down there talked to me, and she told me that Johnny Carl was simply trying to cheat me out of that land, and that $500 was not enough for that, and she told me that her uncle wanted to get that land from me.

Q. Who was this lady that you speak of that was an employee, that her uncle wanted to get land from you?—A. Mary Jane Brisbois.

Q. Well, did she have anything to do with the next sale, the sale to her uncle, then?—A. Not that I know of.

Q. She didn't urge you to sell this to Mr. Brisbois?—A. Why, she did. She kept talking to me, telling me that I should not sign for you, but that I should sign a paper for her uncle.

Q. She was acting as a land agent, then, between you and her uncle?—A. Why, yes; I suppose so.

Q. Well, during this time, from the time that John Carl visited you there, did you ever sign any papers for any of the Government officers—I will say for Mr. Linnen or Mr. Moorehead, or anybody that you know; that is, connected with the Indian service? Did you ever sign any papers or not?—A. Why, I suppose I signed an affidavit, as I afterwards learned it was, because I did not know what was in that affidavit, because I didn't write it and it was not read to me.

Q. Who got you to sign this paper?—A. I don't know what the notary public's name is.

Q. How did you go to this notary public?—A. I went down there with Mr. Harris.

Q. He is the chief clerk at the Indian school. You went down there with him? Where did you go?—A. We went to the office of this notary public, I don't know his name.

Q. What did Mr. Harris say?—A. He didn't say anything to me, he just simply told me that he wanted me down there.

Q. I mean after you got into the notary public's office?—A. Well, he didn't say anything to me, but the man told me I should sign and showed me the place to sign my name. Well, I did.

Q. Didn't he read the paper to you or did he explain it in any way that it was an affidavit?—A. No; he did not.

Q. As a matter of fact, you never knew anything about what were the contents of that paper that you signed?—A. No, sir.

Q. An Mr. Harris, the chief clerk of that Indian school, took you down there for the purpose of signing this paper?—A. Well, I suppose, but on the way back I asked what that paper was which I had signed. He said he didn't know ankthing about that. He said, "I heard that they want you down there to sign a paper; I don't know what that is about," he says.

Q. But you know that you did sign a paper?—A. Yes; I know that I did sign a paper.

Q. Were you satisfied with the sale that you made to John W. Carl for $500?—A. Yes, I was.

Q. Now, comparing the two sales that you made, your own sale to John W. Carl and the one where this Government employee was acting as agent for you, which of those two propositions do you think would have been more profitable to you?—A. Well, the sale I had made with John W. Carl.

Mr. GRAHAM. Mr. Carl, I am not sure that I have followed you When you assume in your question that some Government employee helped to make the trade for the man who got the property, to whom do you refer?

Mr. CARL. She stated that Mary Jane Brisbois, a Government employee——

Mr. GRAHAM. In what capacity is this Miss Brisbois employed?

The WITNESS. Why, she was assistant nurse.

Mr. GRAHAM. Where?

The WITNESS. At the Flandreau Indian School.

Examined by Mr. GRAHAM:

Q. You have some Indian blood in you?—A. Yes; I suppose.

Q. Not very much, have you?—A. I don't know how much I have.

Q. From which side do you get it—from your father's or your mother's side?—A. From both sides.

Q. They are both mixed bloods, are they?—A. Yes, sir.

Q. How old are you?—A. Twenty.

Q. How long ago was it you signed this deed——A. For Mary Brisbois?

Q. No; for Mr. Carl?—A. It is two or three years ago, I think.

Q. When did you make the deed to Mr. Brisbois?—A. The same year, only it was in the winter time, in December.

Q. What season was it when you signed the first one?—A. It was in the summer time; July 13th, I think.

Q. Now, what kind of a house did you get when you traded?—A. It was a farmhouse.

Q. How many rooms?—A. Six small rooms.

Q. How old a house is it?—A. I don't know how old a house it is.

Q. How long have you known it?—A. I have seen it just once, before I went down to school.

Q. Does it look new, and is it in good condition?—A. Oh, yes; it is.

Q. Who lives in it now?—A. I don't know who is living in it now, but there was a family by the name of Green living in it.

Q. Paying you rent?—A. Yes; but I sold the house again.

Q. What did you get for it?—A. I got $500—just the same price.

Q. Came out at the same place?—A. Yes.

Q. Did you get rent for the house while you owned it?—A. Yes.

Q. How much?—A. I was getting $8 a month for the time that I owned the house.

Q. The 40-acre tract of land was not earning anything for you, was it?—A. No.

Q. You never got any money out of it, did you, except when you sold it?—A. Yes; that is all. No; I didn't get any money out of it.

Q. You got no rent out of it?—A. No, sir.

Q. Is your father living?—A. He is.

Q. Who manages your affairs for you?—A. Well, I done it myself.

Q. Did you collect your rents?—A. Yes, sir.

Q. Did you have two full allotments?—A. No, sir.

Q. How much did you get?—A. Just 80 acres.

Q. What did you do with the other 40?—A. I sold that to Mr. Diamond.

Q. After you sold this one?—A. Yes; it was last summer, after I sold that.

Q. What did you get for it?—A. $500.

Q. Have you any money left now?—A. No; I haven't of the other, but I have some that I sold the house for.

Q. What became of it?—A. I spent it.

Q. How?—A. Well, when I was staying with my father I gave him money when he asked me for it.

Q. And have you the $500 that you got for the house?—A. I have $400 of it.

Q. Where is it?—A. It is in the National Bank of Mahnomen.

Q. Earning anything for you?—A. No, sir.

Q. Don't you get any interest on it?—A. No, sir; I don't

Q. How long has it been in the bank?—A. Well, I get just $10 a month out of that. I sold it to Mr. Blanchard, and he told me he could not give it to me all at once, but would give it to me by the month.

Q. He has given you $10 every month?—A. Yes; but there is no interest on it.

Q. It is not earning you any interest at all?—A. No, sir; I am getting the $400 $10 at a time.

Q. Are you doing any work now?—A. No, sir; I am not.

Q. Do you just live at home?—A. Yes, sir.

Q. You do work, do you, at home?—A. I do work at home.

Q. How many in your family?—A. Well, there are just three of us. My father and my stepmother and myself.

Q. So all you do is to help with the housework?—A. Yes, sir.

Q. Do you keep any boarders or anything in the house?—A. No, sir.

Q. You have a large house for three, haven't you?—A. Oh, it isn't very large. Just a kitchen and two rooms.

Q. The house you live in now is not as large as the one you sold?—A. No, sir.

Q. Has your father an allotment?—A. Well, he did have, but he sold it.

Q. Is he as light in color as you are?—A. No; he is a little bit darker, I believe.

Q. How is you mother in color?—A. I don't know.

Q. Your own mother you don't remember?—A. No, I don't; I was not quite a year old when she died.

Q. Well, she had allotments, too, hadn't she—your mother?—A. Yes; she did have one.

Q. What became of that?—A. My father sold that, I believe.

Q. Do you know, Miss Donnell, whether you got any of your mother's allotment?—A. Yes, sir; I did.

Q. As you were an only child, you got only two-thirds?—A. There were three of us, two brothers and myself.

Q. So you got one-third of two-thirds yourself?—A. Yes, sir.

Q. That is sold and spent, too, is it?—A. Yes, sir; it is.

Q. Have you any expectation of earning money yourself?—A. Well, I suppose if I work for some one.

Q. What kind of work do you mean?—A. I have done housework.

Q. Have you ever done any work of that kind outside of your home?—A. I did before I went to school.

Q. And how is it now; do you feel that you would like to do that kind of work?—A. Why, yes; just the same.

Q. Can you cook?—A. I can do plain cooking.

Q. Can you make bread?—A. Yes; I can.

Q. You could go in and keep house yourself, could you?—A. I believe I can, all right.

Q. Did you learn that at home or at the school which you attended?—A. I learned some at school and some at home.

Examined by Mr. LINNEN:

Mr. LINNEN. I should have the case of papers which have been filed here; there are three affidavits and several letters which this lady has written that are important, but they have been filed as exhibits and have gone on to Washington to be printed.

Q. Miss Donnell, who was present when you signed that deed for Mr. Carl other than yourself and he?—A. There was no one present.

Q. There was no witness to the transaction?—A. No; there was no one there. There was the man outside in the automobile.

Q. But he never came into the room, did he?—A. No, sir; he did not.

Q. Do you know what his name is?—A. No, sir.

Q. Now, you wrote letters to a certain friend of yours in Mahnomen with relation to this matter and requested that she secure the services of an attorney to get your land back, did you not?—A. Yes; I did that because Miss Brisbois told me to do that.

Q. Well, you wrote the letters yourself, did you not?—A. Yes; and she dictated what I should say; told me what I should say in it, because I told her I didn't know how to get at it.

Q. You returned the check to Mr. Carl, saying you didn't know you were selling your land, did you not?—A. I don't know that I said I didn't know. I told him that I had changed my mind; that I didn't want to sell to him; that I had been told that I was not allowed to sell land while I was at school.

Q. Were the statements that you made to the superintendent, Charles F. Peirce, with relation to this transaction true?—A. Why, I told him just everything that was said between Johnny Carl and myself.

Q. And were the statements that you made to Lena Ransom, the lady in charge of the building, were they true?—A. Why, I told her just everything that was said between Johnny Carl and me, and I don't know whether I made any other statement.

Q. Was the affidavit that you made at the time this case was reported made by you before F. A. Warren, a notary public of Moody County, S. Dak., was that statement true?—A. Well, I didn't know what was in the affidavit there.

Q. Do you mean to say this affidavit was not read over to you?—A. No, sir; it was not.

Q. Who drew that affidavit?—A. I say I don't know who drew it. I simply signed it. I suppose it was the affidavit I signed before a notary public down at Flandreau.

Q. You say you didn't know the contents of this affidavit when you signed it?—A. No, sir; I don't.

Mr. GEORGE. You mean that you did not.

The WITNESS. No; I didn't.

Q. Who was it got you to sign this paper?—A. Why, the notary public; of course he was the one that told me to sign it.

Q. But who took you to the office of the notary public?—A. Mr. Harris.

Q. And he asked you to make an affidavit?—A. Why they didn't ask me to make anything. They just brought me down there and I signed.

Q. Didn't Supt. Peirce get you to state the facts in the form of an affidavit, and did you not do so?—A. Why, he didn't ask me to state the facts in a form of an affidavit, but he just asked me what we done and what we said, Johnny Carl and myself, and I told him.

Q. Was that written down there at that time?—A. No; it was not.

Q. Who has rehearsed this transaction with you in the last few months and talked this over with you?—A. In the last few months?

Q. Yes.—A. Why, nobody.

Q. Within the last week?—A. No one has that I know of.

Q. Have you not talked this matter over with John Carl, and has he not advised you to tell the story here that you are now telling?—A. He told me to tell simply the truth.

Q. Have you not talked this matter with him, the testimony that you *now give*?—A. Why, I told him what I was going to say.

Q. So you have rehearsed it and talked it over between you?—A. Well, not that—I couldn't say that we talked it over. I simply told him, he asked me what I thought about the statements he had made yesterday morning, and I told him; I says, "So far everything is true," I says. That is all.

Q. Hadn't you talked with him about this matter prior to yesterday?—A. After you had spoken to me there, he asked me what you had said to me, and I told him.

Q. That is not answering the question. Has he not talked with you about this matter prior to your coming here?—A. No; he has not.

Q. Have you not been offered any inducement?—A. No, sir.

Q. Or promised anything for coming here and telling this story?—A. No, sir.

Q. Then, if the statements as made in your affidavit and the statements as made by the affidavit of Superintendent Pierce and Miss Lena Ransom and the statements made in your letters that you yourself wrote contradict the evidence and the testimony you have now given, which is true?—A. Just what I have said now is true, because I don't know what is in those affidavits. The affidavits I have signed, I don't know what is in there.

Mr. GRAHAM. Were you sworn at that time?

The WITNESS. (No answer.)

Mr. GRAHAM. Did you raise your hand and take an oath, as you did awhile ago?

The WITNESS. No, sir; I didn't.

Mr. GRAHAM. That is all.

Witness is excused.

JOSEPH R. FARR, recalled.

Mr. BURCH. The next paper, please, Mr. Farr.

Mr. Linnen then read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Cass Lake, Minn., November 11, 1905.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: As this will be the last opportunity before the sale of timber on the White Earth, I desire to call attention to my former reports, and repeat some suggestions and further discuss your rules and regulations. The rules and regulations and notice of sale were published without being referred to me: the time set was too short, but has been corrected by the extension; the rules and regulations are not complete, and, in some places, faulty. However, after their publication, I have not felt certain that the necessary changes could be made without invalidating the sale. It will be absolutely necessary to correct and complete them before accepting any of the bids. This I believe can be done after the bids have been opened, provided any of them prove satisfactory, by consultation with the successful bidder. The officer and department will only require practical rules, fair to all interested parties, and it is reasonable to assume that the successful bidder will not object to them. If after you submit a draft of the complete rules he should object, his bid can then be rejected.

Since my arrival in Minnesota most of my time has been taken up in answering questions and receiving criticism for the short notice of the sale as first published and the rules and regulation. About 99 out of every 100 blame me for the whole thing, and many are very severe. They all know that I am thoroughly familiar with the lumber business, and therefore, if responsible for the short notice and the rules and regulations, I am inexcusable.

While the rules and regulations are not complete, I believe that Wisconsin lumbermen, if they bid at all, will bid just as high as they would otherwise, for they will assume that the requirements and rules and regulations when complete will be practically the same as those in force on reservations in Wisconsin. They are acquainted with the plan carried out there. It is entirely different with Minnesota and other lumbermen. They know but very little about the sawmill plan on reservations, and therefore have to rely almost entirely upon the rules and regulations. Several of these lumbermen who desire to bid have called on me for important information which is not contained in the rules and regulations. I have in every case given them my opinion as to what would be required, and assured them that fair treatment would be accorded, and urged them to bid.

The lumbermen desire to know, in case of a sale, how much timber they will be required to cut and manufacture yearly, what amount they will pay the Indian at time of making contract for his timber, and the sum to be paid yearly until it is out. Will they be allowed and protected in building the railroads necessary to handle the timber? Can they build two or more mills, or will they be limited to one? You understand that pine and hardwood can not be manufactured together at the same mill. The lumbermen understand that the Indians do not have to sell their timber, but they want to be assured that the Indians can not sell to others during the term of contract with the successful bidders, the same as on other reservations where the mill plan has been adopted.

If this assurance is not forthcoming, no lumberman would be foolish enough to build one or two sawmills, construct several miles of railroad, and generally develop the reservation without a reasonable assurance of getting the timber. If, after going to this great expense and development, the Indians with good allotments and good timber well located were permitted to sell to others, the authorized contractor would have his mills, railroads, and the poor and scattered timber, some of which would cost more to get to the mill than the logs are worth.

Every bidder will bid a certain amount per 1,000 feet for the exclusive right for a stated number of years to buy from any Indians desiring to sell their timber at not less than the price named in his bid. In determining the amount of their bids they will consider all the timber, good and bad, well and poorly located, and pay the same price per thousand for all, fully realizing that a portion of the timber, owing to its location an dsuperior quality, will be worth more per thousand than the price paid. They will also know that a vast amount of the timber, owing to its scattered location and inferior quality, will be worth much less than the price paid; but they will figure the good and the bad in determining the price.

There are numerous other features of importance to be taken into consideration in connection with a transaction of this kind, but it is almost impossible to undertake to intelligently cover them in a letter, as the subject is one that will require several hours for a full discussion. I have and am endeavoring to get some of the important features before you, knowing that a proper consideration of them will suggest many other points of importance.

Whatever action is taken, I think it important that you wire or write me to go to Washington for consultation on this subject. It is a matter of vast importance, and if the timber is sold the operations will continue over a period of many years, and if any mistake is made in the contract with the successful bidder and the rules and regulations it can not fail to cause almost unlimited annoyance, if not a great loss financially. I will be pleased to come if you desire, although I am very busy, for, from past experience, I realize the vast importance of getting things started right instead of taking chances on adjusting them afterwards.

Some of the mixed breeds are opposed to the sale and have been working early and late in an effort to have it indefinitely postponed. This action on their part is not based on the best interests of the Indians, but is prompted entirely by a desire to advance their personal interests and carry on the advantage they have already secured in the selection of allotments. I can fully meet their arguments, if necessary, but it would take too much space to do so at this time.

I do not hesitate to give as my judgment, in advance of the opening of the bids, that some of the prices that will be offered will be at least $1.50 per thousand higher than the average prices paid for the vast amounts of timber recently sold to the highest bidder without the mill plan on reservations in this

State. Owing to the fact that the estimates made by the Government are not complete and do not furnish reliable evidence as to the amount of the different varieties of timber. It can not fail to make it difficult to determine which is the best bid, provided the process offered by the different bidders are nearly the same.

I notice by rule 8 of the rules and regulations certain provisions are made for reserving part of the timber on each allotment for forestry purposes. I have not been able to satisfactorily answer questions asked relative to this, for the reason that I do not know under what law an Indian can be required, on his own allotment, to make such reservation, and particularly without provision made in advance for the payment to him of the value of the timber so reserved.

In rule 15 of said rules and regulations the Indian farmer is named as the person to be in charge of the logging operations on the reservation. This rule, in all probability, was copied from some old form, for in no case in the Northwest are logging operations conducted in Indian reservations under the charge of the Indian farmer. In most cases the Indian farmer is not a person familiar with lumber operations, and as a rule the regular duties prescribed for the Indian farmer are enough to occupy his entire time; and further, he only receives a salary of about $65 per month; and in no case can a man be secured for such a salary who is competent to superintend logging operations, such as are conducted on Indian reservations, and as will exist in the White Earth in case of a sale.

I am inclined to think that this report in connection with my former reports will, in a brief way, inform you as to the situation generally. I will be at White Earth the 14th and 15th, and at the Nicollet Hotel, Minneapolis, Minn., the 16th, and from there will return to Wisconsin and then to Michigan, if not instructed to report at Washington.

I have the honor to remain, yours, truly,

JOS. R. FARR,
General Superintendent of Logging.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., November 14, 1905.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Relative to the sale of the timber on the White Earth Reservation, Minn., advertised to take place to-morrow, November 15, I feel that it is my duty to furnish the offices and the department with any and all information that can in any manner assist in finally disposing of the questions arising by virtue of the proposed sale and whether it takes place or not—that is, whether the bids are all rejected or one accepted.

Certain mixed bloods, members of the tribe, and some lumbermen and their friends and other persons by them retained, have for some time past constantly insisted on the allotment of the timberlands on the White Earth Reservation, in order that the timber be cut to prevent deterioration by fire, storms, and old age. The allotments have been made, and now we find foremost in the opposition to the sale of the timber the same parties who formerly urged the allotting for the purpose of selling the timber.

The certain lumber interests referred to evidently knew from experience that, under ordinary conditions, they can buy timber direct from the individual Indian cheaper that they can purchase tribal timber, which is handled almost entirely by officials of the Government. Therefore they urged the plan for allotting, but the moment they find the office and department adopting a plan which will fully protect the Indians and make it impossible for the lumbermen to deal directly with them, they object and oppose the sale.

The certain mixed bloods referred to also object to the sale. First, for the reason that in the allotments they have accomplished their main object which was to get for themselves, their families, and friends the most valuable and desirable timber. This being accomplished, they object to the present plan of disposing of the timber and will object to any other plan which deprives them of a further opportunity to profit by the ignorance and inexperience of the full

1. Some of the mixed bloods in question are just as competent to do busi-

ness and handle a timber proposition as the average lumberman; and some of them are reputed to be worth from $50,000 to $150,000; and have participated as lumbermen in practically every timber scandal on reservations in Minnesota. It is generally understood that they cry "Poor Indian" in order to bring about some plan by which they can realize further profits in connection with their timber transactions.

In the present case, as an illustration, I desire to say that I can point out allotments taken by the certain mixed bloods where the allottee would not exchange the pine on his allotment for the pine on the allotments of 8 full bloods. These mixed bloods have secured allotments containing large amounts of good pine, well located for market, which can be disposed of without a mill or railroad, and will bring a price a little higher than the uniform price anyone can bid for all the timber.

The question, however, for consideration is the disposal of all the timber under the plan that will bring the highest price for all, instead of a fancy price for those few mixed bloods who have succeeded in getting several times their just portion of the timber. The hardwood must be manufactured on the reservation; railroads must be built in order to handle it, for it will not float. A considerable percentage of the pine can only be reached by railroad; therefore, in order to utilize this timber, the question of sawmills and railroads on the reservation has been determined by nature. If a railroad and mill is not established part of this timber must go to waste and become worthless. The opposition have to admit the necessity of mills to handle the hardwood, and railroads to get it, as well as some of the pine; but they say this class of timber is of no value. This will be entirely true if it is not sold and handled in connection with the good and well-located timber. By selling the good and poor timber together it will bring a good price, and the purchaser can afford to cut it all clean. What he loses in picking up the poor and scattered timber he will make up on the high quality and well-located timber.

Under this plan the full blood who has been forced to take an allotment with from fifty to three hundred thousand on it, 10 or 12 miles from a river or railroad, will get $8 per thousand, or whatever the price may be, the same as the more fortunate members.

All the timber on the land in question on the White Earth Reservation before the allotments were made belonged to the tribe, each member having an equal right and interest. In dividing or alloting the timber it was intended that each Indian would share alike. Now, if in this division a few of the mixed bloods have got the best of it, I can not see why the full bloods and others should not have the advantage of the benefit of the uniform price for their stumpage, and particularly when the mixed blood with the good allotment does not have to sell if the price named in the bid is not satisfactory.

If under the mill plan the timber will all sell for a higher price per thousand than otherwise, it is certainly the best way to dispose of it, for all must admit the great advantage under this plan to the Indians in labor and association. It is also true the timber is cut clean and all utilized where a mill is established in the works, and this is not and can not be true where it is manufactured many miles away.

The argument of the opposition that the mill plan gives a monopoly is too unfair and absurd for serious consideration. For several years it has been the uniform practice to advertise and sell Indian timber to the highest and best bidder. In every case some one has actually bought the timber by virtue of having paid more than any other; in the others of the opposition "He monopolized it," I suppose. When anything is advertised and sold to the highest bidder, it certainly belongs to the purchaser, and he has a right to the monopoly; that is what he paid for.

Under the mill plan the highest bidder does not get a monopoly, notwithstanding the statements of the opposition. He only acquires the exclusive right to buy at not less than the price he bids for the timber from any Indian desiring to sell for a period of five years; and in consideration for this privilege and chance he builds a sawmill or mills, constructs miles of railroad, requiring the investment of thousands of dollars.

Let me say right here that there is not a lumberman in Minnesota or elsewhere who can or will pay as high a price for all the timber on the reservation and manufacture it elsewhere as it will bring if manufactured on the reservation. It is true more may be paid per thousand for a part of the timber where it is well located on a river running to some mill; but it will greatly reduce the value of the balance of the timber.

One of the prominent lumbermen of Minnesota, who mildly objected to the plan for disposing of the timber on the White Earth Reservation, said he was going to bid, but that he could pay a higher price per thousand if permitted to manufacture the timber at one of his mills off the reservation. I told him if he desired to submit a bid covering all the timber on the reservation, and if his bid was higher and better than any of the bids for the manufacture of the timber on the reservation, I would recommend that the timber be awarded to him. He immediately qualified his statement and said of course he could not very well take the hardwood and scattered pine timber, and it was not of much value anyhow. I felt perfectly safe in making the above proposition, for I knew in advance he could not meet the price.

Now, one word for your information relative to the opposition. The honorable Secretary from past experience must be entirely familiar with some of the men, but I assume you may not. Some of the lumbermen who are actively opposing this sale, and one in particular, who is one of the most prominent lumbermen in the State, has taken the same position relative to all recent sales, and has been connected to a large extent with every timber scandal on reservations in Minnesota since I can recollect. It is less than four years ago since I collected from him many thousands of dollars for trespass. The honorable Secretary and other officials who have been connected with timber transactions on reservations in this State can not fail to know that the opposition of these lumbermen to the present sale is not brought about by a desire on their part to have this plan set aside and some other adopted by which they will have to pay a higher price for the timber. They have been very active in an effort to create sentiment for the purpose of postponing the sale. They have not hesitated to make all kinds of misstatements to advance and support their position. They are fortunate in this case, the same as in others, in being able to secure the services of men to represent them at Washington who enjoy high reputation and of a high order of ability.

If a satisfactory bid is received and the sale takes place, I desire to say that the greatest care must be taken in selecting a man to have local supervision of the operations. It will require a man of large experience in the timber and lumber business, and he should have some experience in connection with the plan to be carried out here.

There are many important features to be covered in drafting the contract and in completing the rules and regulations, and I trust you will not hesitate to wire me if my assistance is required. I am particularly anxious that the timber transactions be properly conducted, this being the important part of my duties; and further, if any mistake is made, I am held responsible and receive the blunt of the criticism, particularly throughout the entire lumbering portion of the Northwest, where it is generally known that I was considered an expert in this line even before I entered the service. I am sending this report to-night in duplicate—one copy for the honorable Secretary—thinking it may be a source of some information to you at the time the bids come before you for consideration.

In the lumber districts of Minnesota, the opposition is very rank and do not hesitate to make most any statement, even including the office and department. They charge fraud and dishonesty, at the same time knowing better, and undertake to prove their position by referring to the short notice for sale given on the start, and the fact that the rules and regulations are not complete. I refer to this to call attention to the importance of proceeding with great care in transactions of this kind and to intimate my willingness to go to Washington at any time so you can have the assistance of my experience in the lumber business and the handling of timber on Indian reservations. As soon as the bids are received and opened I will make a written report if not ordered to report in person. Of course you understand I consider the mill plan, when properly carried out, to be without question the best and most profitable way of disposing of timber on Indian reservations; but I will not recommend the approval of any bid unless the prices fairly represent, in each and every case, the value of the timber.

I have the honor to remain, yours, truly,

JOS. R. FARR,
General Superintendent of Logging.

Mr. BURCH. To whom did you allude in this as a man of great prominence, who had been connected with other transactions and from whom you had collected thousands of dollars for trespass?

Mr. FARR. The gentleman has since died. I referred to Mr. Shevlin, of Minneapolis.

Mr. BURCH. Mr. Thomas Shevlin, afterwards of the Nichols-Chisolm Lumber Co.?

Mr. FARR. Why, he had an interest in that company.

Mr. BURCH. Do you desire to set out other parties you alluded to?

Mr. FARR. Oh, that would cover a considerable list of parties. The next is a report dated December 11, 1905.

Mr. BURCH. I will ask you if you were invited to come in to the department?

Mr. FARR. No; I was not.

Mr. Linnen read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Phillips, Wis., December 11, 1905.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am in receipt of your communication of December 2, 1905 (Land, 92325-1905-94887-1905), inclosing copy of a letter to the Indian agent at White Earth, Minn., advising that on November 28 the department rejected all bids for the purchase of the timber on the White Earth Reservation.

While I consider the bid made by Mr. Herrick as being clearly the best, and fairly representing the value of the stumpage, and a good, square, honest offer, and by far the best bid ever received for the purchase of similar timber on reservations in the Northwest, I do not, however, think that the action in rejecting all of the bids will result in a loss to the Indians.

I have often said that I consider timber, and particularly pine, to be as valuable and safe to hold as Government bonds; and where it has not been blown down or burnt the necessary time can always be taken to dispose of it without danger of damage.

The rejection of all the bids should not result in a loss, for it is reasonable to assume that the person bidding at that sale can, and most likely will, bid equally as strong at some future time, unless they become discouraged by the present action, and believe it will be impossible for them to acquire title to the timber owing to the influence certain men in Minnesota appear to have in determining when a sale will take place, and whether or not it will be allowed to stand. It is also possible for a loss to take place from the rejection of the bids by the adoption, later on, of some less practicable and favorable plan for the sale of this timber. Otherwise the rejection should improve conditions, by giving an opportunity to readvertise and fully arrange for the sale, and thereby avoid all mistakes before the publication of the advertisement and rules and regulations.

The bids received on November 15 furnished the strongest possible indorsement of the plan of establishing mills on reservations for the sale and manufacture of the timber:

First. For the reason that these bids represent the highest prices ever offered or paid for timber on Indian reservations in the Northwest.

Second. Under this plan all of the timber can be utilized, and under no other.

Third. With mills located on the works the timber will be cut clean, and from 10 to 20 per cent realized for what would be left under a plan where the timber would be hauled or driven elsewhere for manufacture.

Fourth. It will provide the Indians with work both winter and summer, and will furnish them at least three times as much employment as any other plan besides the benefit from example, experience, and association with white men.

Sixth. It affords the greatest possible opportunity for a proper and honest scale. The scale can be tested in the woods, at the lands, on the railroads, and again at the mill; which is very different from where the logs are loaded on cars, or delivered in the river, and then taken away for manufacture.

Seventh. All the timber, as a whole, is worth more, and will bring a higher price if manufactured on the reservation than if hauled away. The expense of hauling and transporting before the manufacture, of the waste stuff, will amount to more than the cost of building the mills necessary.

Eighth. If all the timber on the White Earth Reservation, including the scattering pine and all merchantable hardwood, was owned by a lumber company

they would establish mills there, for when all of the timber is included it can not be handled otherwise, although the portions of the hardwood and pine which are good and well located to rivers or railroads can be handled elsewhere; but only at a great sacrifice to the balance of the timber.

Ninth. If only the good and well-located timber is to be disposed of most any plan will answer; but if you desire to sell all of the timber—pine and hardwood—good and bad, well and poorly located, the mill plan is beyond all question the best; and, in fact, the only one adopted by lumbermen under like conditions in handling their own timber.

Tenth. The mill plan gives to the purchaser less of a monopoly and more protection and privileges to the Indians than any other plan in practice. Under this plan the successful bidder secures the exclusive right to purchase the timber at not less than the price fixed in his bid from any Indian desiring to sell, for a stated number of years; which time will not exceed the time actually necessary for the removal of the timber. In consideration for this privilege he invests from $100,000 to $200,000 in sawmills and improvements on the reservation. The fact that the Indians do not have to sell is one of the stronges factors toward inducing the purchasers to pay a high price so as to satisfy the Indians generally, so they will be willing to sell their timber. Otherwise the purchaser would be out the amount of his investment

Compare this with the other plans under which the successful bidder actually secures title to the timber and pays for it when it is cut and is given the necessary time for removal, let it be 1, 5, or 10 years.

If the mill plan is a monopoly, what are the others? Outside of furnishing an excuse upon which the opposition try to make an argument, this objection to the mill plan as being a monopoly is unfair to the point of being absurd. Any of the plans, so far as time is concerned, are based on an absolute necessity.

The objection that the mill plan is a monopoly for five years, or whatever the time may be, which in all cases is the shortest reasonable time within which the timber can be removed for manufacture, or that some of the timber will sell separately at a higher price, is unfair and without foundation. The opposition must admit that it will take the time allowed to remove the timber, and that at least this time must be given under any plan. If the good timber be sold separately, it will greatly reduce the price of the balance and make some of it worthless.

To illustrate, if the Government should advertise for bids for the construction of a new Capitol Building, would anyone assume for one moment that the best bid should be rejected on the ground that the bidder would have the exclusive right or a monopoly for the time required to complete the building? Again, should the bid be rejected because some bidder had included in his bid an offer, dishonestly or otherwise, to build a certain part of the building for less than the successful bidder?

Certain men in Minnesota, who objected to the sale under the mill plan, have objected and will object to any plan which will protect the Indians, for this is their record for the past 10 years or over. They desire a plan by which the Indians will dispose of their timber direct and without Government supervision, which will make it possible for the certain lumbermen by manipulation to get the timber at prices satisfactory to themselves.

Under the circumstances surrounding the publication for the recent sale, and particularly the short notice and incomplete rules and regulations and improper specifications and other objections, I would not have recommended the acceptance of any bid, no matter how favorable, but would have urged that we readvertise, were it not that I knew the tremendous effort that would be made if a sale did not take place to bring about some change by which the certain lumbermen could get this timber at much less than it is worth, which they can not do under the mill plan, even by trick bids; and this can be eliminated by proper specifications of the amounts of the different varieties of the timber.

If the Indians are considered competent and accorded the right to sell and handle their own timber, they are certainly capable and should be accorded the right to handle their money, and should not require further Government supervision of any kind. You must remember that the most valuable and difficult interests they have to handle in the Northwest is their timber. Also that many persons can handle money and other business interests who are not qualified to properly handle timber.

In connection with the sale of this timber, I invite attention to my letter of November 14, 1905, from which I quote the following:

"In the present case, as an illustration, I desire to say that I can point out allotments taken by the certain mixed bloods, where the allottee would not

exchange the pine on his allotment for the pine on the allotments of eight full bloods. These mixed bloods have secured allotments containing large amounts of good pine, well located for market, which can be disposed of without a mill or railroad, and will bring a price a little higher than the uniform price anyone can bid for all the timber." Further, "All of the timber on the land in question on the White Earth Reservation before the allotments were made belonged to the tribe; each member having an equal right and interest. In dividing or allotting the timber it was intended that each Indian would share alike. Now, if in this division a few of the mxed bloods have got the best of it, I can not see why the full bloods and others should not have the advantage of the benefit of the uniform price for their stumpage; and particularly where the mixed blood with the good allotment does not have to sell if the price named in the bid is not satisfactory."

The information contained in this and former reports is respectfully submitted for your consideration.

I have the honor to remain, yours,

JOS. R. FARR,
General Superintendent of Logging.

Mr. FARR. The next is a letter dated January 17, 1906, covering the general situation, and I think it goes into the question of how the allotments were made—just a suggestion for the future.

Mr. BURCH. Have you in your bundle of letters the rules and regulations which were transmitted to Agent Michelet from the Indian Office relative to the making of allotments of pine timber on the reservation, the allotments which did occur on Easter Monday following their issuance?

Mr. FARR. No; I don't think I ever had a copy of the rules.

Mr. BURCH. All right; then, proceed.

Mr. Linnen read letter, as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Cass Lake, Minn., January 17, 1906.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Experience has fully demonstrated the necessity and advantage of a thorough investigation before the sale or allotment of pine timber on Indian reservations and the great advantage to be gained by taking plenty of time to investigate all the conditions before the final adoption of any plan for allotment or disposal of any lands timbered with pine.

The recent allotment of timber lands and the effort to dispose of pine on the White Earth Reservation, Minn., furnishes the strongest kind of indorsement of the policy above suggested, and for which I have always insisted and do now. In the allotment of pine lands on the White Earth Reservation the great majority of Indians did not get justice or a square deal; a few mixed bloods and their friends secured pine timber of more value than that secured by the balance of the tribe. I will repeat what I have frequently said, which is: That I can point out cases where the mixed blood has secured an allotment of pine that he would not exchange for the pine on the allotments of eight full bloods. This condition certainly exists, and can not be considered fair to the full blood or disposed of by the argument usually advanced by many—that the full blood must take his chances; first come, first served, etc., the same as in the opening of lands to the white man for homesteads.

Conditions are not the same The mixed or full blooded Indians are not accorded the same rights and privileges as the white man. It is true that many of the mixed bloods are qualified and should be made full-fledged citizens and, if possible, "fired" off the reservation. If the poor full blood needs protection from one set of men more than another, it is from the mixed bloods or persons claiming to be part Indian and receiving the same privileges as the full bloods. Some of these persons have accumulated from fifty to two hundred thousand dollars. With this money and the right to live on the reservation and associate with the Indians as Indians, they have every opportunity to take advantage of the full bloods in the interest of themselves. When the sale of a

tract of timber is about to take place (too large for them to handle) they cooperate with certain outside lumbermen, and are always able by the use of money and deception—the money usually furnished by the lumbermen—to secure the indorsement or opposition of the tribe, as the case may be, for or against most any plan.

The great majority of full bloods are not qualified to assume citizenship, therefore the Government has taken charge of their timber, money, etc., and is supposed to extend to them its protection. This proection should be just as positive and effective as the control the Government exercises over their money and property. If the policy or plan adopted by the Government by which the white man secures a homestead will not, when applied to the Indian, fully protect the full blood, we are in duty bound to amend, change, or adopt some other plan. We have taken the management of their money and property and for that reason are bound to give them proper protection.

The recent allotment of lands on the White Earth Reservation does not greatly differ from other allotments, but I refer to it owing to the recent date at which it took place and the further fact that it is better understood at this time than any similar transaction. At the time, or immediately after the allotments were made, a vigorous protest was filed by the full bloods. A special agent was sent there to investigate and adjust the matter. I do not know anything about his qualifications for handling timber transactions or his experience or knowledge of the conditions or schemes to be met in such cases; but I do know that it is just as essential to have men with acquaintance and experience in timber matters to properly handle cases of this kind as it is to appoint a lawyer to handle legal questions in court, with this difference, that mismanagement in the disposal of a tract of timber land (the one in the White Earth, especially) usually results in a loss of one-half million dollars. It seems that the effort, or at least what was accomplished by the investigation of allotments, was to pacify the Indians and secure their approval of what had been done, instead of to determine if the timber and lands had been fairly divided and justice, so far as possible, accorded to all.

In this connection it must seem strange that the Indians, after making such a vigorous protest, would immediately become satisfied with the situation without any material change having been made. This is accounted for by the fact that the mixed bloods who secured the desirable timber and got the best of it, as usual, are always on hand with their friends and usually furnish the bulk of evidence submitted at such investigations. This is natural and to be expected, for they can speak good English, know the value, amount of, and location of timber, and can usually furnish enough of full bloods to verify the important parts of their evidence, although the full bloods, as a rule, do not know anything about the subject until posted by the mixed bloods just before they are required to make the statements.

If the special agent or investigator is not a practical timber expert, and acquainted with timber on the reservation in question, and familiar with the schemes and practices in connection with the manipulation of large timber transactions, he can not be expected to question such evidence as will be furnished. To further emphasize this point I desire to say that such mixed bloods do not furnish the same evidence to lumbermen or myself any more than a lawyer would misquote a well-known point of law to a superior lawyer.

At one stage of the allotment the mixed bloods were placed in one line and the full bloods in another, and then one selected from each line alternately. This method would appear to be fair, and would be if the same degree of intelligence and ability to select descriptions for allotments were possessed by each line; but this is not the case. The great majority of the full bloods do not understand descriptions. If they locate a certain bunch of timber they have to rely on some mixed blood or other person for the proper Government description to cover it. They can not estimate the value of timber with any greater accuracy than the ordinary child 10 years old. Assume, for instance, that the first one to draw for an allotment be a full blood with a description of the best 80 on the reservation. He can not know this from his own knowledge, and must rely on others. The mixed blood knows exactly what timber his description calls for, and he can, by deception and a little money, get the full blood to exchange for some other description. It is too well known to need discussion here what a little money and a lot of promises will accomplish with the old full-blood Indian.

If the lands timbered on the White Earth Reservation were of sufficient size to give each one an allotment, even if the value were not equal, I would not

object so strongly to the plan, for each one would get a fairly snug sum for his pine; but in a case like this, where certain mixed bloods get allotments of pine worth from ten to twenty thousand and an old full blood is forced to take an allotment with but little, if any, pine and located several miles from the market, making it of practically no value without the adoption of the mill and railroad plan, to which the mixed bloods and certain lumbermen object.

The main object to be attained in making these allotments was an equal distribution of the pine timber among members of the reservation entitled to allotments. Before the timber was allotted each member certainly had an equal right and interest in all of the timber. It was the object, desire, and duty of the Government to make an equal and just division, or as nearly so as practicable. If this can not be accomplished under the allotment system, some other plan should be adopted, if a better one can be found. It is not difficult to find a better plan, for it is utterly impossible to discover one under which the results could be more unfair. This is sufficiently established by the fact that several have secured allotments where the timber in each allotment is worth from ten to fifteen thousand dollars, and some higher, while many others have allotments with the timber worth $500, and even less.

In cases like the White Earth the timber should be sold, even if an act of Congress be necessary, and the proceeds placed pro rata to the credit of the Indians. Then allow the Indians to select allotments, and the result will be an equal division of the pine and also the land. It will also assist in accomplishing the object for which the allotment policy was originally created, which was to give each Indian a certain amount of land fit for agricultural purposes on which he could establish a home and become self-supporting. It is too well known to need discussion at this time that the lands covered with pine are the poorest for agricultural purposes, but notwithstanding this, the Indian will, in order to get the pine, take the poor land, and when the pine is gone it is of little value. If the pine were disposed of separately the Indians would select for allotments and homesteads hardwood, prairie, and meadow lands, which the best for agricultural purposes, and will make them good homes if they see fit to cultivate them; and if not, they can be disposed of later and at fancy prices.

There is a vast amount of this class of land on the White Earth Reservation, and for this and many other reasons above mentioned the recent allotment should never have taken place as it did, and, if possible at this time, should be set aside.

RED LAKE RESERVATION.

I have discussed the White Earth Reservation as the best and most effective way of getting before you certain facts and conditions soon to be met on the Red Lake. The amount of pine and difficulties to be met in making an equal division are substantially the same. The pine should be disposed of first and separately, not alone in order to secure a fair division, but especially for the reason that this reservation contains a sufficient amount of desirable hardwood and meadowland, well adapted to farming purposes, to give each Indian a large allotment, possibly 160 acres. If the allotting takes place before the pine is disposed of, the Indians will select the pine land, so far as it will supply them, and then the balance of the reservation will be thrown open to the public, and white men instead of Indians will secure the good hardwood and farming lands, while the Indians, after disposing of the pine, will be left with the very poorest class of land and soil on the reservation.

This report is made at this time in order to call your attention to the reservation and to the fact that the question of allotment and sale of timber will shortly be up for consideration, and also to give you an opportunity to call on me for further information covering any points I have overlooked, and give sufficient time for a thorough investigation of the amount and value of the timber before the time comes for the adoption of any definite plan.

I have the honor to remain, yours, truly,

JOSEPH R. FARR,
General Superintendent of Logging.

Mr. GRAHAM. Mr. Farr, has the lapse of time since these reports were made caused you to wish to modify or qualify any of the statements made in them?

Mr. FARR. No; I think not. If I was to make reports at this time I might use different expressions. When making them I had no dream or imagination that they would ever become public. As an official I was furnishing information as I found it in regard to every phase of the sale that might tend to enlighten the office. Any policy or plan I had been urging there I have no desire to change now.

Mr. GRAHAM. What I meant to say was that the passage of time might have made some things clearer to you and caused you, perhaps, to think a little differently from then. Is there any such experience?

Mr. FARR. No; I don't recall at this time anything in the situation but what appeared clear to me at that time.

Mr. GRAHAM. There is an expression in this report, I think, that it was impossible to determine the course to be pursued with reference to the sales of timber and other things owing to the influence of certain men in Minnesota. Could you say to the committee to whom you refer in that passage?

Mr. FARR. Why, that would be somewhat changed—depending on the sales. You have evidence here regarding the prior sale at Crookston, to which sale there was an opposition, not always the same parties, although it might include some of the same parties.

Mr. GRAHAM. Well, we will doubtless come to that later on; I don't want to interrupt at this time the reading of your reports.

Mr. BURCH. You had been, between November 14 and the time of writing this last report just read, informed that the bids had been rejected and the proposed sale overturned?

Mr. FARR. Yes, sir.

Mr. BURCH. What reasons were you given for that, or in what manner were you informed?

Mr. FARR. I was informed by a letter from the Indian Office inclosing a copy of the notice to the superintendent of the White Earth Agency.

Mr. BURCH. Rejecting the bids?

Mr. FARR. It is the custom, you understand, with the office in case of a sale of that kind to notify the superintendent.

Mr. BURCH. What reason was given for the rejection of these bids and the setting aside of this proposed sale?

Mr. FARR. I was not able to find any copy of that letter; but, as I recall, it was in substance that the price was insufficient.

Mr. BURCH. Did you ever have, afterwards, any talk with Mr. Leupp or any other official who had authority in the Indian Bureau about the circumstances—what led them to do this—the circumstances that led them to do this?

Mr. FARR. I couldn't state that I ever, after that time, discussed the matter with Mr. Leupp. I did, however, on several occasions, go over it at great length with others in the office.

Mr. BURCH. Who? Name them.

Mr. FARR. It would be difficult for me to state. People in charge of the Land Division or acting as commissioners or as chief clerk.

Mr. BURCH. Well, what I want to get at is this: Did you learn whether that was the real reason, or whether it was influence brought to bear, or what it was that secured the rejection of these bids?

Mr. FARR. No; not from official sources; I don't recall having received any information.

Mr. BURCH. It has been suggested, I think, in the testimony that you were friendly with and acting in the interest of Mr. Fred Herrick, this man whom you declared to be the highest bidder. I challenge your attention to such a suggestion and ask you what the fact was. State in your own way.

Mr. FARR. It is not a fact, and it is absolutely without foundation.

Mr. BURCH. Tell what was the fact, then.

Mr. FARR. Sometime in the fall of 1904, as I believe I have already stated, Commissioner Jones requested me to talk over with Mr. Herrick the question of the sale of this timber; that he had been to see him, and he took me to Mr. Herrick. Prior to that time, for some three years or more, we had not spoken, owing to difficulties I had had with him in adjusting his operations to meet the rules and regulations on the Lac du Flambeau.

Mr. BEAULIEU. This Mr. Jones you speak of was the Commissioner of Indian Affairs?

Mr. FARR. Mr. W. A. Jones, the commissioner.

Mr. GEORGE. You hadn't spoken with whom—Mr. Jones or Mr. Herrick?

Mr. FARR. Mr. Herrick.

Mr. GEORGE. For what reason?

Mr. FARR. His written application was transmitted to me shortly after it was made. It was filed in December, 1904, and the office called on me for a report as to the advisability of accepting his proposition as to the manner of the sale. That was to have the office prepare rules and regulations and set the prices on the timber, or have it advertised. He authorized me to notify Mr. Herrick of the action taken. I wrote him one letter, possibly two short letters on the subject, and received two. One was quoted in full in the report that has been read into the record. That was the only connection I had with Mr. Herrick; I don't think I ever met him in the meantime until the day of the sale. I never had any interests with him, directly or indirectly, and no situation exists that would be subject to any such construction.

Mr. BURCH. Later on, after the sale or at the time of the sale, what was the fact respecting any intimation between yourself and Herrick, or any understanding?

Mr. FARR. As to the sale?

Mr. BURCH. Yes.

Mr. FARR. There was no understanding whatever, or anything to lead any person to think there was an understanding.

Mr. BURCH. No favoritism or friendship?

Mr. FARR. No; we were never and are not now what you could call very close friends. Our relations are confined to the transaction of official business.

Mr. BURCH. Proceed now. Have you anything further?

Mr. FARR. In the statement, Mr. Chairman, that I filed you perhaps noticed that I charged the present commissioner and Commissioner Leupp with being directly responsible for the situation that exists here, and that a part of that rests in their failure to take proper action at the proper time.

Mr. BURCH. In that connection, and just there, before you proceed to say any more, I would like to ask you if it would not be pos-

sible for you to appear before the committee at Washington and submit yourself to any examination that Mr. Leupp or Mr. Commissioner Valentine may desire to make upon the record that you are now making and these statements that you are now making? Will it be possible for you to do so?

Mr. FARR. I can think of no business that could arise of so much importance that I would not gladly respond to a subpœna to come to Washington in connection with this matter.

Mr. BURCH. And submit yourself to any examination——

Mr. FARR. Yes, sir. By either of those gentlemen or their attorneys.

Mr. BURCH. Or their attorneys?

Mr. FARR. Yes, sir; and, of course, in such case I presume I would have the right, in meeting anything that is raised, to question others in that respect.

Mr. GRAHAM. The committee wants light, and if you can help to let the light shine, the committee would be obliged to you.

Mr. FARR. Starting in 1909, the Indian Office, in connection with the representatives of the Department of Justice and the Interior Department, have prepared a roll of full bloods, and I believe 1,200 suits have been brought to set aside transfers made prior to that time [producing letter]. This letter is dated July 20, 1906, and is such notice to the commissioners as I believe, if acted upon, would have avoided the situation. That roll should have been made before, and if action had been taken at that time, the suits would not have had to be brought. [Witness handed Mr. Linnen the letter, which Mr. Linnen read into the record as follows:]

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIAN SERVICE,
Minneapolis, Minn., July 20, 1906.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I presume you have been advised by the Indian agent at White Earth, Minn., and if not, by newspaper dispatches, of present conditions on the White Earth Reservation as a result of the present act of Congress granting to the mixed-blood Indians on that reservation unconditional patents to their allotments.

I write at this time to ask if you have any special instructions for me relative to investigating or adjusting conditions there. I do not think the situation is quite as bad as painted in the newspapers, but it is certainly bad enough. I have talked with the Indian agent, and I am inclined to think it may have a good influence for him to bring action in a few cases to set aside certain sales made by the Indians, on the ground of fraud, improper influence, and liquor. Action of this kind will, I believe, improve conditions.

I am not at all surprised at present conditions there, for everyone familiar with the Indians in question, their timber and surrounding influences, know just about what to expect when the law passed giving them the right to dispose of their property without Government supervision.

A small percentage of mixed bloods are entirely competent to handle their timber and business affairs on or off the reservation, and the balance of the Indians and mixed bloods would be much better off without them, for they cooperate with speculators and men interested in lumber business in getting the timber and property of the balance of the Indians with a little money, a lot of whisky, and deception.

This is one of the reasons why I so strongly urged the sale of the timber, November 15, 1905, to Mr. Herrick, who had offered $10 a thousand for Norway, $11 for white pine, and the full market value for all other timber.

I knew that certain lumber interests of this State had made a specialty of securing timber from the Indians, and in nearly all cases getting it for much less than it was worth, and, in some instances, for almost nothing.

After the bid of Mr. Herrick had become public, they knew it represented the full value of the timber and that they would not be able to buy it at any future time at prices less than those offered by him. Therefore they immediately got their machinery to work to bring about change in the law, by which they would be able to get this timber at less than one-half the price offered, and I do not hesitate to state now that if the present law stands and the timber is disposed of by the Indians under it they will not realize one-half of its value.

If there is any way open by which the department can prevent any further sales under this law, on the ground that frauds are being practiced, or in any other manner, it should be done, thereby tying the matter up until another session of Congress, at which time a change in the law should be urged.

You understand that a large number of the Indians are mixed bloods, and that the great majority of them are no more competent to handle their affairs than the full bloods. It seems too bad to see these Indians defrauded out of their timber after all the office and department have done to bring about conditions where they were fully protected.

I am very busy with matters of considerable importance in Wisconsin and Michigan, but will be pleased to come here at any time that you think my presence will in any manner assist the office and department in protecting the timber of the Indians.

I have the honor to remain, yours, truly,

J. R. FARR,
General Superintendent of Logging.

Mr. BURCH. Anything further, Mr. Farr?

Mr. FARR. I believe that covers the record part of the case.

Mr. GRAHAM. That is, those papers referred to in the statement you submitted?

Mr. FARR. Yes.

Mr. GRAHAM. But have you any others that have a bearing on the case?

Mr. FARR. I think there may be a few earlier reports with reference to the plan, but that, I think, is the complete record that will throw any light on the subject.

Mr. BURCH. You are familiar—I suppose you are sufficiently familiar with the distribution of the estates of deceased persons, where land or other property is equally divided among the heirs, to know pretty well in regard to two plans that are adopted in such cases.

Mr. FARR. I have had more or less connection with the adjustment of such matters so far as the disposition of timber has been concerned.

Mr. BURCH. One of those plans is the sale of the property iself and a division of the money, is it not?

Mr. FARR. Yes, sir.

Mr. BURCH. The other is the appointment of commissioners in partition, with the purpose of dividing up the land in some equitable way, according to their several rights, between the heirs of the decedent.

Mr. FARR. I believe that is the condition here. There are different plans, I believe, even in Michigan. I meet so many different situations where the law or rule is not the same that I would not be clear.

Mr. BURCH. The two general plans is all I care to illustrate. Now, taking the conditions on the White Earth Reservation at the time of the allotments in severalty, or, I will say, before the passage of the Steenerson Act providing for the additional allotments, what, in your opinion, would have been the most equitable and fair method of dividing the pine value on the White Earth Reservation?

Mr. FARR. To dispose of the timber and turn over the fund pro rata to persons entitled to participate in the allotments.

Mr. BURCH. Equally? Each person share and share alike?

Mr. FARR. Certainly.

Mr. BURCH. What, then, would have been a fair way of disposing of the residue; that is, the land itself?

Mr. FARR. Why, to have allotted the land then.

Mr. BURCH. In other words, in your opinion the most fair and equal method would have been to have divided the money at such time as was proper, or at any time, instead of attempting to allot in the way it was done?

Mr. FARR. Yes. It would be impossible to make what would be a fair or reasonably fair allotment of the timber, and it afforded an opportunity to be very unfair to many of the Indians entitled to allotments.

Mr. BURCH. If, then, the Indian Bureau had issued instructions to the Indian agent as allotting agent to allot this pine equitably by acreage, so that each one should share and share alike in the pine value on the reservation, that would have been a mere barren ideality—that is, something impracticable in itself—would it not?

Mr. FARR. It would have been very difficult to make that sort of an adjustment. You would have to cut forties and eighties in all manner of shapes, as timber is not scattered uniformly over every eighty or forty. For instance, a forty might have, say, three or four hundred thousand feet and might have that entirely on one side, or in such manner that you couldn't cut it into 10 or 20 acre lots.

Mr. BURCH. Is it not a fact that one forty might be worth several thousand dollars, by reason of having a half million or even a million feet of timber on it and another forty near by be worth only a small amount, having only a small amount of timber?

Mr. FARR. The timber on 1 forty might easily be worth as much as the timber on 15 or 16 forties.

Mr. BURCH. Then it would have been impracticable in any way?

Mr. FARR. That is correct.

Mr. GRAHAM. What would you consider a maximum amount of lumber on a forty?

Mr. FARR. Oh, that would be a question almost impossible to answer.

Mr. GRAHAM. Within your experience, what have you known?

Mr. FARR. Why, they range from ten to perhaps a million and a half.

Mr. GRAHAM. I mean the maximum.

Mr. FARR. Well, I would not be able to give you any information, for hundreds of forties might be entirely without.

Mr. GRAHAM. But you have given me information when you suggest a million and a half on a forty.

Mr. FARR. You allude now to timber?

Mr. GRAHAM. Yes; the maximum amount of timber you have known on a 40-acre tract.

Mr. FARR. Oh, I presume—I have seen pine that would run four or five hundred thousand.

Mr. GRAHAM. Have you not heard of forties that would cut a *million*?

Mr. FARR. Yes, and much more; but you would have lots of forties that will cut less. In other words, you would find more forties in a timber country with 500.000 or less on them than you would that carry a greater amount.

Mr. BURCH. Then if, instead of the act called the Clapp rider, of June 21, 1906, which provided for the removal of the restrictions from the Indians, under the Steenerson Act, and which provided for the sale or the allotment in severalty of these lands, of a previous date—there had been an act passed which provided for a sale of all this timber under Government supervision, in the interest of the White Earth Indians, and the allotments among the Indians of the same lands, after the timber had been removed—would that, then, in your opinion, have been better or worse; that is, the legislation which was enacted?

Mr. FARR. Why, I think it was better. I have always, as I stated before, favored the sale and removal of the timber and then placing the proceeds to the credit of the tribe, and each one under that method would get an equal share in what is his or her right. Then the land would be open to allotment and they would select with reference to what they should have—something good for a home or agricultural purposes, while if the pine remains on the land a little bit of pine would attract much more than a good agricultural eighty.

Mr. BURCH. You are aware that previous to the passage of the Steenerson Act the land was held in common by the White Earth Indians; that is, it belonged to the tribe. Which, in your opinion, would be better—not to have sold the timber or to have allotted the land, but to have left it there intact, taking into consideration now the danger of fires and the danger of loss of some of the timber, and all that, but taking into consideration also the possibility of a rise in value? Which would have been better—not to have sold or allotted at all or to have left it just as it was; that is, before the legislation occurred and the lands allotted were sold? Do I make myself clear? Supposing we had left the original eighty there; just left it there?

Mr. FARR. Do you mean would that situation be better than the situation at the present time?

Mr. BURCH. Yes.

Mr. FARR. Why, certainly. Most any situation would be better.

Mr. BURCH. Taking the chances of fire and all that?

Mr. FARR. Well, we are looking back now: we know what——

Mr. BURCH. Yes; taking the chances of fire and other disaster that might have reduced the value or endangered the pine, and at the same time taking into consideration the possibility of an increase in value?

Mr. FARR. Yes; of course the Indians would be much better off to have the timber to-day.

Mr. BURCH. And the land?

Mr. FARR. And the land.

Mr. BURCH. In tribal—now, this is in tribal, communal ownership?

Mr. FARR. Yes; but—well, that would be the answer. They would be much better off to have it to-day. I am not saying that that is what I would suggest.

Mr. BURCH. I don't know that I can throw any more light on this than is done by the very exhaustive letters and reports of the witness

upon the situation. Possibly somebody else can suggest some questions to Mr. Farr and that might possibly lead me to ask a few more, but I can not conceive of anything more just now.

Mr. GRAHAM. Mr. Farr, could you inform the committee what officer of the bureau ought to and probably could shed some light upon the making of estimates in Exhibit 40, the estimates of the probable amount of timber to be sold at that sale, as afterwards placed in the specifications?

Mr. FARR. As it is now, in the copy of Exhibit 40 now in your hands, the information could be furnished by the commissioner or anyone acting in his stead, and that information should show even the party who prepared the letter in the office. It would be prepared by somebody in the Land Division.

Mr. GRAHAM. That information, then, would be a matter of record in the Indian Bureau somewhere, would it?

Mr. FARR. Yes.

Mr. BURCH. I may state to the committee that I have made pretty diligent inquiry in regard to this Mr. Sam B. Davis, the schoolteacher, one of the estimators that estimated immediately before the bidding, and I find that he is connected with an agency in Nebraska, in some capacity, and yet with the service, at Genoa, in Nebraska, the nonreservation Indian school; but, then, you can learn it——

Mr. GRAHAM. Is he in the Government service there?

Mr. BURCH. Oh, yes; yes.

Mr. FARR. I might state at this time, Mr. Graham, that he did not complete his estimate at the time the timber had been advertised for sale. The office records must show that point or of course the only other answer or conclusion would be that the commissioner had determined it himself.

Mr. GRAHAM. Let me make clear the feature in my mind. The evidence, up to this time tends to show that the amount of pine of the different grades is vastly underestimated in this estimate——

Mr. GEORGE. The specifications.

Mr. GRAHAM. That the amount of hardwood, consisting of elm, oak, basswood, maple, and ash, is vastly overestimated. The testimony also tends to show that if a fraud were intended on the Indians that would be one of the best ways in the world to perpetrate the fraud. As this estimate came through the Indian Office, I think we would like very much to know who was responsible for it and whether, by the exercise of ordinary care even, the bureau should have detected the misstatements in this estimate. The evidence also tends to show that while large quantities of hardwood are estimated here and bid on far beyond their values, that, as a matter of fact, little or none of that wood was cut or realized on. So that the placing of such large amounts of hardwood in the estimate and the bidding on them at prices from three to six times their actual value must have been deliberate and intended to mislead, especially so, as that wood was not cut off at all. That probably those who bid so high on the hardwood knew at the time they were bidding that they would not cut any of it and that the bid was clearly intended to be misleading. Then, the question arises, whether those in charge of the Indian Bureau were—there are only two alternatives, two ways to put it—that they were incompetent or dishonest. I know of no other way to

put it. If they were competent they must, I think, know that the prices quoted here were not in good faith. If they were competent and knew that, then it would look as though there were a serious inference as to their honesty to be drawn from the situation. Now, what I would like to know from you is, whom we should call from the Indian Bureau who would know and tell us those details.

Mr. FARR. That letter sending me notice and specifications, the rules and regulations, to the superintendent, would be signed, of course, by the commissioner if he acted, or the assistant commissioner. Now, the office records will show clearly where that letter originated in the office, who prepared it.

Mr. BURCH. By initial and numbers?

Mr. FARR. Yes; and it can be traced back, unless the commissioner prepared the letter—as they do once in a while, with his private secretary—and assumes responsibility.

Mr. GRAHAM. It is unquestionably true that the man at the head of the bureau, the Commissioner of Indian Affairs, can not possibly give careful personal attention to all the business details of the office. Are you sufficiently informed to tell us whether this is a matter that in the careful transaction of the business of the office should have come under the personal observation and attention of the commissioner?

Mr. FARR. When the first action was taken it would be my candid opinion that it did not impress the office with its true importance. I am inclined to think that Mr. Larrabee was acting commissioner when the advertisement was sent out. I am relying entirely on my memory.

Mr. BURCH. Do you know who and what his history is, where he was from, etc.?

Mr. FARR. Mr. Larrabee was in the service as head of the Land Division when I entered, and he was assistant commissioner.

Mr. BURCH. Where from?

Mr. FARR. He is from Washington. He resides there at present.

Mr. GRAHAM. In order to follow this matter or any other in connection with this affair, have you some suggestions that you would make as to the course that should be pursued and the witnesses who should be called at the bureau?

Mr. FARR. If I were handling the matter myself I should go or have some one called out of the Indian Office and let them take the matter from the records. It is there, and while a copy might not disclose lead pencil memoranda or anything else that might be on it, such sources of information frequently accompany the file and would help persons there in tracing it back, and also the commissioner; and you would get the record complete, while if you sent in you might get a copy of just the letter, while the surrounding memoranda showing the sources of information, such as notes and initials——

Mr. GRAHAM. The trimmings?

Mr. FARR. Yes; mean really more sometimes than the report. I would state this in connection with that, that prior to that I have noticed no great stress was laid upon the amounts of timber mentioned in the specifications. In many cases it was a matter of guesswork, and in this case, where I took sharp issue and made objection, let that be a mistake or not, the office, after the information as to the

amount of timber came before it, could not use its own mistake as an excuse to show that there was a question as to which bid was the highest. This is what was to me objectionable.

Mr. BURCH. Mr. Chairman, probably that letter is at the White Earth office and they will bring it down Monday, if the committee desire, if it can be found.

Mr. GRAHAM. We would like to have it. [To Mr. Farr.] Do you think it possible, or at least reasonably probable, that a bid of $25 a thousand on ash in the tree should go through the Indian Office as a bona fide bid?

Mr. FARR. No, sir; it would be impossible.

Mr. GRAHAM. Do you think that a bid of $20 a thousand on maple in the tree could pass through as a bona fide bid?

Mr. FARR. Now, when you say "pass through," you mean receive attention?

Mr. GRAHAM. I mean receive any attention or consideration without being discovered as not being made in good faith.

Mr. FARR. No; it couldn't be. It would be impossible.

Mr. GRAHAM. What do you say about $15 a thousand on basswood in the tree?

Mr. FARR. That would be true as applied to the White Earth Reservation, that it would be noticed and known to be not in good faith.

Mr. GRAHAM. And what do you say about $16 a thousand on elm?

Mr. FARR. The same condition would prevail.

Mr. GRAHAM. Ten dollars a thousand on oak is not so suggestive, but does it strike you as being a bid in good faith at that time?

Mr. FARR. I would be inclined to think that oak might be worth that price. Oak should range from $6 to $12 stumpage, depending upon the quality, amount, and location. You notice there is considerable oak.

Mr. GRAHAM. The amount estimated?

Mr. FARR. Yes.

Mr. GRAHAM. Thirty-five million feet.

Mr. FARR. And even on the regular estimate it is 11,000,000—that was too much of an item to offer $15 or $20 a thousand more than the stumpage is worth; it would run up into figures pretty fast.

Mr. GEORGE. The Davis estimate brought it up to eleven million?

Mr. FARR. I believe it was that, approximately.

Mr. GRAHAM. I would like to ask, what does the record show by testimony on the question whether the hardwood was actually taken off the land or not, and whether the time in which it might be taken has elapsed.

Mr. BURCH. No testimony that I know of.

Mr. GEORGE. I think there was some testimony showing that the hardwood was left.

Mr. GRAHAM. Mr. Farr stated that it was his understanding that it was left on the ground.

Mr. LINNEN. Some one else testified to the same effect.

Mr. FARR. That is more than my understanding. That has been my observation, and, when Mr. Burch first took charge, I believe he desired to have all cutting stopped, and under my direction a hurried examination was made of the operations then in progress, and it was confined entirely to the pine timber; and from the examination

made at that time, and from other sources of information since and before, the operation has been a pine operation only. If any hardwood has been taken it has been a side issue.

Mr. BURCH. In this connection Mr. Beaulieu has brought out testimony here, if I am not very much mistaken, to show that there are several hardwood mills or some kind of mills in there.

Mr. BEAULIEU. Yes; I brought that out.

Mr. GRAHAM. Under the contract of sale of this timber, how long a time had the purchasers in which to remove the trees?

Mr. FARR. I think five years was the first period. At that time the Government, on 30 days' notice, would have the right to increase the price.

Mr. GRAHAM. Do you know, as a matter of fact, what has happened in that regard? Have the purchasers of timber lost their rights?

Mr. FARR. Oh, I beg your pardon. I thought you alluded to the plan of sale that was rejected.

Mr. GRAHAM. Well, I did——

Mr. FARR. The purchasers at that time——

Mr. GRAHAM. The purchaser was under different contract, of course.

Mr. FARR. Yes; and a great many, as I understand, have taken part, and the timber has been transferred in some cases two or three times, and I think in many cases—I now recall the record—that it was a transfer without limit as to time.

Mr. GRAHAM. Going back to the bids and estimates, as shown in Exhibit 40, in your judgment would discreet business men, having purchased under the bid of the Nichols-Chisolm Lumber Co. or the Lyman-Irwin Co., be justified in taking the hardwood lumber off the land under their bids? In other words, could they have carried out their bids and taken the hardwood under it without loss to themselves?

Mr. FARR. Yes; if they succeeded in getting the pine.

Mr. GRAHAM. But I am eliminating the pine and dealing only with hardwood in my question.

Mr. FARR. Oh, no. The manufactured product would scarcely bring what they offered for the stumpage. The stumpage, including everything except the oak and pine, would be fairly worth from $1 to $5 a thousand. Three dollars would be, I think, as high a price as anyone would offer for it, as a general proposition, without it being located near a mill, with a small mill or a large mill. What is being utilized now is by mills that are springing up wherever they can manufacture it and transport the product.

Mr. GRAHAM. Could you venture an estimate yourself on this phase of the question: Whether the Lyman-Irwin Co., if it purchased under its bid as shown by Exhibit 40, would gain or lose on the whole, if they received the contract, and the estimate in that exhibit was substantially correct? Would the gain on the pine have offset, or more than offset, the losses on the hardwood? In other words, on the whole contract as the amount is estimated there, how would they come out?

Mr. FARR. Why, without having time to figure it over, I would say, offhanded, that they would still be gainers.

Mr. GRAHAM. But their profits on the pine would more than offset their losses on the hardwood?

Mr. FARR. Yes; even assuming the amount of hardwood to be correct as given in the specifications.

Mr. GEORGE. As a matter of fact, the hardwood did not amount to anything like that figure?

Mr. FARR. No; but I know from conversation with the bidders that they did not place any particular value on it, and in fact that was the complaint of some of them; they wanted the hardwood eliminated.

Mr. GEORGE. And you showed that in your correspondence? You notified the Government?

Mr. FARR. Oh, yes. I might call your attention to the fact that there are several bids here on the hardwood, and you see, while the price varies somewhat with the exception of the two, it is within reasonable bounds, and it clearly shows what the men in Minnesota considered hardwood to be worth, while the man in Wisconsin, who is an operator and has a mill on the reservation and has been handling that stuff, he has a higher price. The other two bids—I felt then and do now that there was some very close relation between them. I didn't report that to the office, because I have only my own experience and observation to lead me to believe that some of the same interests were back of the two bids.

Examined by Mr. BEAULIEU:

Q. Mr. Farr, when were you appointed as general superintendent of logging?—A. In November, 1899.

Q. Who was Commissioner of Indian Affairs then?—A. W. A. Jones.

Q. Where does W. A. Jones live?—A. At Mineral Point, Wis.

Q. Upon whose recommendation were you appointed?—A. Commissioner Jones's.

Q. He appointed you himself?—A. No; he recommended my appointment.

Q. Well, did anyone recommend you to him?—A. I presume so.

Q. Do you know who it was?—A. No; I understand that he came to Madison and recited the trouble he was having in the management of the timber interests of the Indians, and some one suggested that he come and see me. I was then a member of the legislature. From that meeting my appointment came.

Q. Was that the year that Senator Spooner was nominated for the United States Senate?—A. Why, I think he was in the Senate, wasn't he? I don't exactly recall.

Mr. BURCH. I think he had been in a long time then.

The WITNESS. Yes; that is my impression.

Q. Now, did you say that the White Earth timber was sold under the Davis estimates—that is, the bids?—A. No; I didn't say so—under his estimates.

Q. Under what estimates?—A. In fact, it was not sold under any estimates.

Q. No; but I mean the bids—under what estimates were the bids filed?—A. Under the estimates made by the party that filed the bid. Nobody files bids on an estimate furnished by the Government. He goes out and makes his own estimate and files it.

Q. What estimates were those that you introduced here?

Mr. GEORGE. In the specifications, he means.

Q. The specifications, or whatever they are. Under what specifications did they make these bids?

Mr. GEORGE. We have had a long series of questions on this very point, as to where they came from.

Mr. Beaulieu takes copy of Exhibit No. 40.

Q. Now, this specification shows that there is 90,000,000 feet of white pine on the White Earth Reservation. Was that correct, in your opinion?—A. I presume that is a correct copy of the specification. It is not any definite information as to the amount of timber.

Q. Well, it also shows there was 80,000,000 of Norway; jack pine, 20,000,000; oak, 35,000,000; elm, 20,000,000; basswood, 15,000,000; maple, 10,000,000; ash, 5,000,000. Do you know whether that is anywhere near correct?—A. No; I don't think that is anywhere near correct.

Q. Well, how are you able to ascertain that Herrick's bid was the best bid if you don't know anything about the timber?—A. We have an estimate made by the direction of the commissioner, although under the supervision of Mr. Davis.

Q. Well, that is the one I am trying to get at now.—A. Well, that is not in the specifications.

Q. Yes. Well, it was from your estimate that you formed your conclusion?—A. Not necessarily. The Government, in deciding it was the best bid, should act just the same as a lumber company, that would be on the information they had in their possession as to the amount of timber. It would not make a particle of difference what they had printed, or somebody else. Now, first, we had the estimate of Mr. Davis. That is entirely different from the one contained in the specifications. I had a large amount of information from personal observation. I know from the examination of estimates made by the companies that the pine will exceed 300,000,000, and that information was before the Indian Office when they passed upon the bids, and they would have to apply the offers to the timber, so far as they knew what the amounts would be, without regard to what was in the specifications by mistake. We were selling the timber.

Q. Now, that information is not here before the committee, is it?—A. Yes, sir.

Q. As to the amount of timber—that information that the Indian Office had that you spoke of?—A. I have read into the record my reports containing that information, and the agency contains a copy of the Davis report, and the original, I presume, is on file in the Indian Office, and was there at the time I made by recommendation, and the copy of it is on file.

Q. Have you a report regarding all the different classes of timber in towns 141 up to 142 in range 37?—A. No; I have no detailed report whatever.

Q. Have you any report of the timber in townships 141 to 146 in range 38?—A. I don't think that I have. I have no such report in my record unless some report made at the time I was examining the dead and down——

Q. Have you any report for towns 141 to 146 in range 39?—A. The same answer will apply to every township that you would wish to ask the question about.

Q. Also for 141 to 146, range 40, and 141 to 146, range 41. You have absolutely no reports, have you, nor anything that you could use to come to a conclusion?—A. With me?

Q. Well, did you ever have one?—A. Yes, sir. I examined an estimate made by two or three parties at the time of the sale on the White Earth Reservation. I have been over that reservation to a sufficient extent to know that I observed over 200,000,000 feet of pine in the short time I was on the reservation.

Mr. BURCH. Two hundred million, do you mean, or two million?

The WITNESS. I said two hundred million.

Q. Who are these persons from whom you got this information?—A. Well, I think it would be included in the Weyerhaeuser men. I know that after the bids had been opened, and they were clearly out of the race, I sat down and went over their figures.

Q. Do you know how long the Weyerhaeuser men were upon the reservation?—A. I did at that time. They made the most thorough examination of anyone connected with the bids.

Q. Well, did they tell you that they had been upon the reservation less than three months?—A. Well, I don't recall just what they said, but I imagine they should have been there less than that time.

Q. How long does it take to make an estimate of the timber on one section of land?—A. Well, that depends on what kind of an estimate you are making. For the purposes of making a bid on that timber it would take a very short time. You would have to determine the location and approximately the amount of each species; that is, unless you were going to make some bid for some timber that didn't exist only in figures, and you would go over it hurriedly, you wouldn't want to make a close detailed estimate of every 40.

Q. How long would it take to go over one section?—A. Why, it might take two or three hours and it might take a day. If I was going to make a bid on that timber I would want perhaps 25 or 30 days, with an assistant.

Q. No; but on one section you say two or three hours or a day?—A. Well, it would depend entirely on the sort of an examination you wanted to make and the amount of timber. I have estimated sections in 25 minutes, but there was only a small amount of it extending across some portion or corner of it.

Q. How long would it take to go over a township?—A. That would depend on the amount, the condition of the country, the weather, and how closely you wanted to estimate it.

Q. Well, how many miles can a man walk in a day, just hurriedly going through, and just casually examining a tract of land?—A. Oh, I suppose 15 miles a day would be about as much as he would want to travel through the woods and keep it up.

Q. Then, just in passing through one section and walking 15 miles a day, it would take him about three days to go over the township, wouldn't it?—A. Well, I should think that would be going over it rather lively, to go over it in three days.

Q. Too lively, would it be, to make an offer on a big tract of land?—A. Well, I will tell you, Mr. Beaulieu, I have seen situations where you might estimate 50,000,000 feet of timber in a day, a uni-

form stand, and you would estimate an acre here and there and then pass over it and determine about the territory covered, and you would get a very reasonably accurate estimate by applying the estimates on what you had examined to the entire acreage.

Q. Can you tell how long it would take to estimate one township in the way you think it could be estimated now?—A. Why, if you knew, Mr. Beaulieu, what the estimating of timber means and how it differs in different places, you would not be asking such questions. One township might be examined in one-tenth or one-twentieth part of the time it would take to examine another township. It would depend entirely on the timber, the location, the topography of the country. You can't get that information accurately from any man born on a subject like that.

Q. How long would it take to estimate the timber in town 142–38, say, for instance?—A. Why, I might be able, if I could get a plat book and a map, and see that, if I had any notes, and figure out the country there, I might give reasonable estimate of the time; but I have nothing definite before me to figure it out from now.

Q. How long do you think it would take to estimate the 24 townships, and do it so you could make your bid? There are 24 townships of timber on the White Earth Reservation.—A. Well, if the timber is all scattered equally through—do you mean referring to this reservation?

Q. That is the only reservation we are speaking of.—A. I have stated, I think, giving my opinion, as if I were acting for myself in the estimate, I would want to take in the neighborhood of 30 days, with a good assistant, to go over that reservation and gather the information I would desire upon which to base an intelligent bid.

Would you put a bid on the timber on the White Earth Reservation, or anywhere, that you would rely on by going over 24 townships in 30 days?—A. You are paying so much a thousand, Mr. Beaulieu, if you will keep that in mind.

Q. I am asking you.—A. Certainly. The bid was at so much per thousand, and the amount would be determined by bank scale. It is a very different proposition than if I should go out and buy the timber outright. Then you must make a careful estimate as to the amount, but the amount would be governed by what it would scale in this case.

Q. You don't mean to say that you ascertained, even in three months, how much oak timber there was upon the White Earth Reservation, do you?—A. No; I have not said anything about it. That would be determined when it was cut. The way it strikes me, Mr. Beaulieu, when you are buying the timber by the thousand the amount there is in one particular tract cuts a figure only in the economy in getting it to the moving place, and the other thing you want to look out for as you go is the quality of the trees.

Q. My understanding was that Mr. Farr said there was very much less hardwood timber than the estimates showed. Did I understand that correctly?—A. Well, pro rata, the amount of pine was shown in the specification as about one hundred and seventy million, from the best information I could get and from personal observation. I was satisfied it would cut over three hundred million, and with that stipulation the two bids that have received so much notoriety would be rather hard to adjust.

Q. Well, you got information regarding the pine, didn't you?—A. Yes.

Q. Did you get also reliable information regarding the hardwood?—A. Yes; I had fairly good information as to the timber on that reservation. As I stated before, it was to be sold at so much a thousand. Now, the purchaser would want to know the quality, the location, and the approximate amount of each species. It was not necessary to make a detailed estimate, and no purchaser made any such estimate.

Q. It was not necessary to make a close estimate, but it was necessary to make some kind of an estimate so as to enable the bidder to know whether he could afford to make a bid upon a certain kind of timber; in other words, to build a road.—A. He would have to bid on all classes of timber mentioned in the specifications; that was the requirement.

Q. He would have to build a road, wouldn't he, to take out that hardwood timber?—A. I think the timber can only be handled, all of it, by railroad or some other means of transportation otherwise than the usual logging sleigh with horses.

Q. With horses?—A. Yes.

Q. When did they advertise for bids first?—A. I received notice from the Indian Office under date of August 10, and in that notice I was advised that the timber had been advertised on the 7th and that bids would be opened on September 5. That would be 1905.

Mr. BURCH. Twenty-eight days.

Mr. GRAHAM. Mr. Beaulieu, just a minute please. Do any of you gentlemen desire to ask Mr. Carl any further questions?

(No response.)

Mr. GRAHAM. It seems not. Mr. Carl, you may be excused.

Q. You don't think that was sufficient notice, do you?—A. No; I don't.

Q. When that notice was given out, were you notified by the Indian Office that that was going to be done?—A. That was the first notice I received, as I explained to you, and read the entire correspondence into the record.

Q. As general superintendent of logging, did they not submit that matter to you first before putting in that advertisement?—A. I think they should have.

Q. But did they?—A. They did not.

Q. So that it was about two weeks, or a little more, within which they were going to sell the timber under that notice?—A. I am inclined to think that that letter didn't reach me until, perhaps, the 15th. I see I made a reply on the 16th. I was busy with some other matters in Michigan at that time, but I would answer such a letter at the first opportunity.

Q. About what was the value of the timber upon the White Earth Reservation?—A. Well, I suppose the judgment of nearly everyone is of record here.

Q. No; but I mean yours?—A. I understood Mr. Herrick——

Q. No; I am asking you about the timber, about the value of the timber.—A. I am trying to give you that information. I figured that Mr. Herrick was a little high.

Q. Now, I am not asking about Mr. Herrick.—A. Just let me tell you the value, if I can—that was a little higher than I would have placed the value of the timber. I suppose you wanted to know a lump sum?

Q. Yes.—A. I thought so. Well, you will have to figure it up.

Q. Well, you have information regarding the amount of timber that was estimated on the White Earth Reservation, according to the specifications—according to your testimony. What was the value?—A. So much a thousand; that was the question to determine. But I have not computed the amount; and it is not important at all. The figures are there and I have given you my estimate, and, of course, if you want to compute or figure it up, do so.

Q. Well, it would be worth a million and a half, wouldn't it?—A. Well, I think, roughly speaking, it would be worth much more than that.

Q. Would it be worth $2,000,000?—A. Well, I have not had time to apply the prices to the amount of the different species. You have my judgment as to what the stumpage was worth.

Q. Well, how long would you advertise your own timber, now, supposing you were going to sell it, if you had timber of that value?—A. I should imagine, of course, that I would not advertise it in any such manner. But if I was acting for the Indians in a case like this, or in any other, I would prefer at least 90 days if not longer. I think 90 days would give plenty of time for the examination and consideration, but in a longer time it might reach other parties at a far distance and attract their attention so that they might drop in and make a bid.

Q. How long prior to the advertisement of the sale of White Earth timber was it discussed in the Indian Office? Do you know?—A. So far as any discussion relating to this particular sale, I suppose you mean?

Q. Yes.—A. I would say that that was in the fall of 1904, as I have already stated.

Q. And whom did you discuss the sale with?—A. Commissioner Jones and Mr. Herrick.

Q. Yes. Now, Commissioner Jones sent you to Mr. Herrick, as I understand?—A. No; he took me to Mr. Herrick in the Annex Hotel at Chicago.

Q. Was Senator Spooner there at that meeting?—A. No; I never met Senator Spooner in connection with it.

Q. Did you ever hear of Senator Spooner meeting Fred Herrick, Commissioner Jones, Stearns, and Agent Michelet at Chicago?—A. I never heard of it.

Q. Did you not hear that Agent Michelet had been telegraphed for by one of the Indian Office officials to come down to Chicago and meet Senator Spooner there?—A. No; I never heard of it, and in the absence of some evidence to that effect I would not believe it, because I know Senator Spooner——

Q. Well, I am asking you.—A. Well, I say I had never heard of it.

Q. Now, wasn't that generally discussed on the White Earth Reservation?—A. It might have been by you; but it was that character of stuff that I heard discussed in the paper.

Q. Well, I am asking you.—A. No; it is the first time I even heard of it.

Q. You never heard of it at all?—A. The first time that I ever heard that particular rumor of a meeting of Spooner or Michelet with them.

Q. Now, if Michelet was called up before this committee and testified that such a meeting did take place you would not say it was not true, would you?—A. No; I would be inclined to believe it. I don't see what reason he would have for making any other statement, and I don't see what connection it would have with this matter.

Q. Well, suppose Mr. Micehlet should testify before the committee that he had been called down and asked to approve the Herrick bid and had ben offered some inducements to do so; would you believe that if he testified to it?—A. Why, if he testified to it I don't see why I shouldn't believe it; but I don't see what influence his opinion would have on that bid. I was his superior officer. I had approved it, and it didn't seem to go through. I don't see where the situation would be improved by going down and getting all the clerks to approve it.

Q. That is what I am getting at.—A. Why don't you call the gentleman you are talking about and get the information? I don't know anything about it.

Q. I am going to ask the committee to call Mr. Michelet later regarding this very thing—regarding his trip to Chicago.

Mr. GRAHAM. You have a right to ask him any questions that you wish along that line. Of course, if he does not know, he can not tell you.

Q. Of course, if he doesn't know—I thought it was generally discussed everywhere and that he knew about it.

Mr. GRAHAM. Well, you might find out if he knows.

Q. Did the bids take place while Jones was in office or after?—A. It would be my impression that it would be some time after he went out that the timber was offered for sale.

Q. Do you know whether Mr. Leupp signed the order for the sale or not?—A. I gave my best recollection a moment ago. As I recall, it was Mr. Larrabee. That would be my best recollection.

Q. Do you know whether Leupp repudiated any knowledge of the sale? Do you know if he repudiated any knowledge of this proposed sale of White Earth timber?—A. No; that is not a fact. The records show that. The letters have just been read into the record.

Q. I mean, did he repudiate any knowledge of the order?—A. I believe that is in the record, in that letter to me, that he stated that on his return he found this condition, that the timber had been advertised during his absence, an absence of some three or four months.

Mr. GRAHAM. That was the first and short advertising?

The WITNESS. Yes.

Q. But he didn't say that he knew that the order had been issued or signed during his absence?—A. The letter speaks for itself. That is as I recall it—that on his return after an absence of several months the timber had been advertised.

Q. Under an order signed by Mr. Leupp? Is that true?—A. Why, he didn't say anything about that, but I have given my recollection that the notice was signed by Mr. Larrabee, the acting commissioner.

Q. Did you hear whether Secretary Hitchcock knew about the proposed sale or not before it was brought to his notice by Senator

Clapp?—A. I don't know whether he did or not. I never had any direct information of his connection in any manner with the sale.

Q. Who is this man Herrick?—A. He is Fred Herrick, of Luc du Flambeau. He has a contract on that reservation.

Q. How long has he been on that reservation?—A. He was there when I entered the service. I should judge that has been about 15 years.

Q. Did you not learn how long prior to the time you entered the service he went there?—A. Why, the contracts would show that. I would not like to state definitely, but two or three years, I think; perhaps three or four years. I would not state definitely.

Q. Mr. Herrick is a very wealthy man, is he not?—A. He is reputed to be wealthy now.

Q. He is reputed to be worth fifteen or twenty million dollars, isn't he?—A. Oh, no. I never heard him represented to be worth over a couple of million. That is the highest estimate.

Q. He has made that all on the Lac du Flambeau Reservation, hasn't he?—A. Oh, no; that would be utterly impossible. He has handled only a very small amount of timber on that reservation.

Q. Where has he handled other timber?—A. Most of his cut has been timber that he has purchased outside and railroaded into his mill located on the reservation. His operations for the past number of years have ranged from one to four or five million feet of mixed timber.

Q. How much timber has he cut on the Lac du Flambeau?—A. I could not state off-handed. It would be, I presume, in the neighborhood of one hundred and twenty million. Something like that.

Q. Is Mr. Herrick connected in any way with the Stearns Lumber Co.?—A. That is the Stearns Lumber Co., I believe.

Q. He is one of the firm of the Stearns Lumber Co.?—A. Yes, sir; as I understand it.

Q. Have they other mills in Wisconsin, on Indian reservations?—A. I think not. Mr. Stearns at one time had an interest in a mill on the Bad River Reservation. I understand he has sold out. In fact, I am not certain that he has any interest in the Lac du Flambeau now.

Q. Did you not recently make charges against Commissioner Valentine on account of the Lac du Flambeau logging operations?—A. I made charges; yes, sir.

Q. What are those charges?

Mr. GRAHAM. What is the purpose of going into that, Mr. Beaulieu?

Mr. BEAULIEU. I want to bring out the fact, or try to connect the Commissioner of Indian Affairs or the Indian office with these Wisconsin logging operations. I have here a book containing over one thousand pages, which gives the history of those Wisconsin operations.

Mr. GRAHAM. But we are not inquiring about them, you know.

Mr. BEAULIEU. Well, you are inquiring about the Wisconsin plan.

Mr. GRAHAM. Oh, no; only incidentally.

Mr. BEAULIEU. Well, incidentally, I want to show that the Wisconsin plan was a bad plan so far as the White Earth was concerned.

Mr. GRAHAM. Your question does not quite reach that point. The question was, didn't he make charges against Mr. Valentine on ac-

count of some logging operations in Wisconsin. Now, it seems to me that could be competent only if you purpose to show that the witness was either prejudiced for or against Mr. Valentine, and going to the weight of his testimony. We don't want to investigate the Wisconsin plan. If it is merely to show feeling for or against Mr. Valentine, it is proper, but for no other reason that I can think of, would it be so.

Mr. BEAULIEU. No. I have in mind this: That the Indian Office—the Commissioner of Indian Affairs, through the influence of Senator Spooner—and I believe Mr. Farr was influenced by them—I don't know whether he was improperly influenced or not—but he was influenced to take up, to support this Wisconsin plan, and in as frank a manner as he has shown the support of it, I want to show that all along the Indian Office supported that plan and even defrauded the Indians. Mr. Farr was present at these hearings, and I want to refresh his memory about it.

Mr. GRAHAM. Well, we wouldn't want to go into the merits of the Wisconsin matter in the way you suggest. If you want to compare, or to develop what the Wisconsin plan is, or that it was a bad thing, why go at that directly. But the question you asked, I think, would not get there.

Mr. FARR. I might simplify this by making a partial answer, if you will allow me.

Mr. GRAHAM. That is a happy thought, if you can do so.

Mr. FARR. I wish to say that my charges are based largely and almost entirely upon the failure of the commissioner to comply with the Wisconsin system of logging contracts.

Q. Well, have there not been many scandals connected with the Wisconsin plan?—A. No; I think not. There are some small controversies always taking place in connection with most any timber operation, and always will be.

Q. Well, were not those "small controversies" sufficient to cause the United States investigating committee to come up here and investigate?—A. The committee looked over all Indian affairs in Wisconsin. That is the largest operation, and they went there and made an examination. You were present. They didn't disclose anything in connection with the timber part of it, of any importance, that I recall. I was there most of the time.

Q. Now, isn't it a fact that they disclosed that whenever an allottee's timber was burned that he lost that timber, even though he might have had a contract with the Stearns Lumber Co. to cut it?—A. I don't recall any such disclosure. If they did, it is not in accordance with the facts. They do get pay for their timber if it is burned, and they get full scale for it, and there is not an instance that you or anybody else can point out where they have not, unless by the failure of some official who has "put one over," so to speak.

Q. Well, was there not some evidence to that effect?—A. Oh, I don't question that; but I didn't hear it. I know I had insisted on that, and it is one of my special rules that they have got to pay for the timber, and if they don't cut it before a fire comes along they will have to stand the loss which the fire occasioned.

Q. But they have never stood the loss in Wisconsin.—A. Yes; they have. Every single bit that I know of.

Q. Did the evidence before this committee show that?—A. There may be evidence from some source questioning that; but that is a

fact, and there is no reliable evidence. Oh, some Indian might have claimed that his timber was burned and he didn't get pay for it, and it is possible that some such situation, or some accident might have worked through, but it is not the policy nor the practice, and I have not heard of a case.

Q. But the proposed plan at White Earth, which you favored, provided for the payment of the timber that was destroyed by fires to Indians, after their contract was made?—A. That was a part of the contracts under that plan—that the contractor assumes the responsibility from the date of the sale, and must stand the depreciation by his failure to cut the timber, in the event of fire or storm, to save it.

Q. No one seems to have the rules under which that sale was to have been made, and it is very important, because we are at sea. I can not ask any questions to show wherein our objections were to that sale. Was there not a provision also made in those regulations for the forestry reserve?—A. Forestry reserve?

Q. Yes.—A. The only thing I recall in the regulations I have referred to in my report; and that was where a certain number of old trees would be left on the allotments as seed trees. That comes from the rule adopted by the national forestry reserve, and got into those rules. I insisted at the time, have before and ever since, that they had no right to require an Indian on his own allotment, when he is selling his timber, to leave a few trees standing without paying him for it.

Q. Was it not a fact that those rules provided for a forestry reserve, and that that should be kept up at the instance of the allottees?—A. No; that is not true; and nothing to indicate that nor anything of that nature in the rules that come to my attention. I would further state that I made repeated recommendations, and the rule was revoked in Wisconsin requiring an allottee to leave a few seed trees.

Mr. GEORGE. When was that?

The WITNESS. I think it was in the fall of 1908. It passed through the Forestry Service and they finally indorsed my position in the Indian Office, and it went to the Secretary. The timber was being left; it would blow down, and the railroad would be removed, and the loss come directly on the allottee.

Q. There was no such rule, then, on the White Earth Reservation? No such proposition to establish a forest reserve?—A. Not that I know of. That must have entered into the case afterwards.

Q. Didn't Mr. Bruce, the forestry man in charge of Minnesota Forest Reserve, come up to White Earth with Ed Warren, if you know?—A. I heard something to that effect yesterday; that was the first notice I had of it.

Q. Did you not know that that took place at the time? You were the general superintendent of logging.—A. No; and you know that my territory covered all the reservations in the United States, and it was very possible for a fellow to slip on and off the reservation without my knowing it.

Q. And then you didn't hear that that proposition was made in order to secure the support of Pinchot, did you?—A. I never, as I told you, heard of that incident until yesterday, and, by the way, it was that very Mr. Warren, the gentleman you mention, who told me.

Q. Well, what did he say about it?—A. I didn't pay much attention to it. You would better have him tell you about it. As I recall, he said that Bruce came over here, and he was to meet him and go over the reservation for the purpose of looking after some portion of it as a forest reserve, and then he afterwards reported to Minneapolis or Washington. That is as I recall the remarks made to me yesterday.

Q. Was it not on Mr. Bruce's report that the sale was not approved, largely?—A. Well, I told you I did not know anything whatever about the appearance in this matter of Mr. Bruce, only what I learned yesterday. I did not know that he made a report, nor that it had any effect on the final disposition of the bids.

Q. Did you ever hear that the confidential men of the Interior Department came out there and reported against that?—A. At what time?

Q. Well, at that time.—A. The only men that——

Q. About the time the bids were being considered.—A. No: I never heard of anything of that kind. I asked, to be clear on that, as the Commissioner mentions in his recommendation that the bids be rejected; that he was a personal representative of his; and that was the only information I had of anyone visiting there.

Short recess.

Q. Mr. Farr, were you not very active in trying to get the approval of the sale of the timber on the White Earth Reservation, and was not Mr. Stearns very active?—A. I certainly was. I never met Mr. Stearns in connection with the matter, or was it he that you referred to?

Q. Well, Mr. Stearns was one of the partners, as he has testified.—A. I did not know that Mr. Stearns had any connection with the matter, and it didn't make a particle of difference whether he had or not. I was in favor of that bid.

Q. Was not Mr. Herrick also very active in securing the approval of that bid?—A. I don't know. I am inclined to think that if I had made the Herrick bid I would have come very nearly getting it approved or somebody would have had to answer for it.

Q. Did ex-Commissioner Jones take any particular part in securing the approval of that bid, if you know?—A. I think not. I never heard of him being connected with the matter in any way, shape, or manner, and I believe I would have heard of it had he been connected with it.

Q. Was he not at that time living in Chicago?—A. No: I understand he has always lived at Mineral Point, Wis. He has a brother, I believe, in Chicago.

Q. I don't know that Jones did so.—A. Well, I have no information that he did.

Q. I always took him to be a very nice man.—A. I believe if he had been connected with that he would have mentioned it to me.

Q. You were very active in protecting the White Earth Indians, were you not?—A. So far as the sale of their timber was concerned, I have always given my best efforts to it and have taken an interest in getting for them the best prices that the market would warrant.

Q. After you had made your recommendations to the Secretary of the Interior in regard to the acceptance of this Herrick bid didn't

your duties cease then?—A. Oh, I might have used that as an excuse that the bids should be accepted, but it was my duty to insist, to bring about that result up to the last particle of means at my command.

Q. For the purpose of protecting the White Earth Indians?—A. For the purpose of getting what the timber was worth; for performing my duty. That was my duty in that regard.

Q. You didn't care whether the Chippewa Indians got anything?—A. Yes; I did. But independent of that, you emphasize the word "Chippewa." It was my duty under oath of office to urge and recommend that bid.

Q. But was it your duty to then prosecute and urge its acceptance after the Indian Office had given out word that it was going to refuse to approve the bid?—A. I didn't see any information to that effect, except the interview that purported to be had with Senator Clapp—that the bids would all be thrown out. The first information of any action on the part of the Indian Office I received, I think, some time in the early part of December, as read into the record.

Q. You were not, then, in the confidence of the Indian Office at that time, were you?—A. I was general superintendent of logging. I was being retained and continued in that position. I had no reason to believe that I did not have their full confidence and respect.

Q. Then you protected the Wisconsin Indians in every respect as general superintendent of logging?—A. I would not like to say in every respect, but the records will show that I have saved them many millions of dollars.

Q. How about the Menominee Indians? That is a Wisconsin tribe.—A. The same is true of them.

Q. Did you save them millions of dollars there?—A. I think so.

Q. Did they not make a great deal of money when they had control of their own matters—practically more than after the Government put the mill there?—A. You are evidently misinformed as to the conditions.

Q. I am asking you.—A. After the act of 1890 the Indian was allowed to cut pine timber under supervision of the Government and sell on the bank to the highest bidder. I had charge of that operation as general superintendent, and for six years my brother was the local superintendent. Under that plan, while he was superintendent, they placed something like a million dollars to the credit of the Menominee fund. We opposed, at least as strongly as I favored the bid here, the plan of building a mill and the Government branching out into that line of work on the Menominee Reservation. My reports are matters of record in Congress, and it was as a result of my reports that the investigation was made in 1908, and what was estimated to be a loss of something over a half million dollars—some placed it as high as $700,000—was stopped so far as possible.

Q. What was the result of your investigation into the Menominee Reservation?—A. That is what I have just been discussing.

Q. Yes. Did it show a loss to the Indians after the mill was built there under the Wisconsin plan?—A. Yes. Well, it was on the Wisconsin reservation, but I presume that it was under the law that prevailed on that reservation.

Q. That was a law that practically prevailed on the other reservation.—A. No; it was a special act entirely.

Q. Well, they had a mill there, and manufactured the lumber on that reservation.—A. No; the Indians are supposed to control this reservation. It is on an entirely different plan, under special act of Congress; but it is managed and operated by Government officials. The other plan—the man who operates and directs the work is the man that puts up the money, and he is always a man of experience for the work. In an operation of this kind it is difficult to tell who may be in charge of the various branches. It may be a green or experienced man, and it may not; on the other hand, he has no financial interest in it; that is, he has not invested his money there. And we do not get as good results, and they have complaints. You know how that goes; it applies to good men the same as bad men. It has not been a success, from my point of view.

Q. There was a great loss of over a million dollars, was there not? How much loss was it?—A. Oh, that is a matter of record, and it has been threshed out by congressional investigations, and I would not like to state offhand here and try to rehash it. It would not be fair to those interested in it.

Q. Well, it might be fair to us.—A. Oh, it has no bearing whatever upon it, in any way, shape, or manner.

Q. Now, at the Bad River Reservation they complained about logs that were not hauled to the mill, which they lost. Do you recall that testimony?—A. No; I didn't attend all the meetings; I did not hear that; I was there simply subject to call.

Q. Now, you speak about—going back to White Earth matters. Do you know Maj. McLaughlin?—A. I do.

Q. Do you think he is a fair man, a square man?—A. I do. I have a very high regard for him.

Q. You do not think he would give a report that was not based on the truth, do you?—A. Well, so far as he knew, I believe he would report honestly.

Q. Well, he reported regarding the allotments of land on the White Earth Reservation, which you refer to there is your report. Do you think his report was correct, from what you know of him?

Mr. GRAHAM. Well, we would not care for his judgment in that regard, Mr. Beaulieu. His individual opinion of the man's report, as to whether it was correct, because he knows him, would be of no value. If you want to prove general reputation for Mr. McLaughlin do it, but it must be done generally, and not by some man's individual opinion of him.

Q. Upon what information did you base your report that the full bloods had been treated unjustly in securing allotments of land?—A. I don't know that I could state definitely. From conversations with numerous Indians and officials and other persons knowing something about the situation, and from my observation of timber on the reservation, and at that time I had the data to support the statements made in my reports as to where one person fared better than another. I do not know who made the allotments, and it would not have made a particle of difference. You mentioned Maj. McLaughlin, and I wish to say that all I have ever heard about that matter was that he went there to decide whether the Indians were satisfied and desired to stand by the allotments, to get an expression of the tribe, and I understood that the expression was in favor of letting

the allotments remain. That is all I know about it, except what I have heard here.

Q. You did not make a personal investigation of the matter yourself, did you?—A. On that point?

Q. Yes.—A. No; that would not be within my duty or my right. They had a special man assigned for that.

Q. You made the report on it?—A. I reported on any situation I found that had any influence on the timber, or that should come to the officers of the department in the care and disposal of the timber.

Q. I refer to the case where you criticized severely the mixed bloods.—A. I stated at the time that perhaps that would need some explanation. That does not apply to all of the mixed bloods, for I did not consider a great portion of the mixed bloods in any different class from the full bloods. There are, however, a few mixed bloods whose interests are not identical with the tribe; in fact, they were in exact opposition, just as much so as the interests of the lumber companies; they are men of business; they are loggers; they are lumbermen; they have experience; and their interests are not in harmony with the tribe, and for that reason they act in a manner like any other business man, to advance their own business interests, and I allude to that type, without any desire to criticize them, only at points where they resort to methods that are not fair even in business transactions.

Q. Well, you don't mean to say that I would be classed as one of those men—that is, a lumberman?—A. Why, I can't see, Mr. Beaulieu, where you have any interest in common with the average Indian up there. If that sale had gone through as I recommended it you would not have been making all those trips to Washington; you would not have been drawing a salary in that particular position, and you would not have had the opportunities to speculate in that land. I am not criticizing you for it.

Q. Now, look here, how many trips do you think I have made to Washington?—A. Why, I have met you there practically every time I have been there.

Q. How many?—A. I couldn't say.

Q. Well, have I not made trips to Washington for the last 16 years?—A. I presume so.

Q. Before I ever knew a lumber company?—A. Well, I don't know when you first knew the lumber companies.

Q. Well, now, you referred to me; do you know that I ever assisted any lumber company prior to being employed by Nichols-Chisolm?—A. I am not criticizing you for assisting the companies. You understand I mentioned that your interest is not the same as that of the average Indian, the tribe on the reservation.

Q. And why not?—A. For that very reason. You associate with them, your employment is from them, and you have taken an interest in pushing through matters that they want.

Q. Now, just there. Which matters have I pushed through that they want?—A. Why, you were in favor of the passage of the Clapp amendment, weren't you?

Q. Yes.—A. You worked for it?

Q. Yes.—A. You opposed the sale of the timber under this present plan, did you not?

Q. Yes.—A. Well, that was a rather large proposition in itself and would show that your interests were not identified with the tribe.

Q. You have referred to a great many statements that were made in opposition to that, but you have not produced a single protest. You have not, in fact, put in evidence a single protest made by the Indians generally upon the reservation.—A. Well, if I didn't I wish to admit that protests were filed by the Indians. I believe that was in my report. I also wish to state that the records disclose that by some method or another every sale that has resulted in fleecing the Indians has had that same protest and that same indorsement by the members of the tribe. They don't sell Indian timber up here without getting an expression of the tribe.

Q. Hasn't the same condition existed in Wisconsin, where you have been operating, where you have been looking after Indian matters?—A. No; we have headed that off by the mill plan of selling timber.

Q. Upon the White Earth what is the highest amount paid for a tract of timber?—A. When do you mean?

Q. Well, under the Clapp Act.—A. I would not be able to state. I have not made examination of that.

Q. Under the Wisconsin plan how much has been paid?—A. I would not be able to answer that. I think some of them as high as twenty to twenty-two thousand dollars.

Q. There was one tract sold at $22,000, according to the evidence given before the committee. Was that a fact?—A. I don't know. I didn't hear of it.

Mr. GEORGE. What evidence and what committee?

Q. Before the Senate committee; it is right in this book, but I can't find it just this moment.

Mr. GRAHAM. That was on what reservation?

Q. On the Bad River Reservation, in Wisconsin. Out of twelve or fifteen hundred tracts, how many went over $5,000, according to the evidence in this book?—A. I don't recall the evidence. I didn't follow it. I am speaking only from personal observation—a large number. However, let me state, it has no significance whatever. The timber over there takes 20 to 25 logs to make a thousand feet. It has been difficult in sales here to get them to take that class of timber. You have had large timber here, taking 3 or 4 or 5 logs to the thousand, and an eighty of that class of timber might be worth just as much as an eighty of small timber. What the eighty would sell for here or there is no indication whatever as to the justice of the price.

Mr. GRAHAM. It only shows the quantity of timber on the eighty.

The WITNESS. The quantity and quality govern. Over here you have a large white pine. Over there it is small. That is very small timber, when it takes 22 or 23 or sometimes 26 logs to the thousand.

Mr. GRAHAM. Can you compare the prices per thousand feet?

A. Yes. Over there they get $8 straight for everything, Norway or white pine, dead or down, whatever it may be, and the timber is small. We used to sell timber in the log, but the price was regulated by the number of logs it took to make a thousand feet.

Q. And when it got above 10 logs to the thousand feet——

Mr. BURCH. Won't you explain to the committee why that was?

The WITNESS. I think they understand. The large timber is a far superior quality.

Mr. GRAHAM. Yes; I think that needs little explanation. Mr. Beaulieu may continue.

Q. Was there any testimony to show that the best timber in Wisconsin was on the Bad River Reservation?—A. Under recent operations, do you mean?

Q. Yes. Well, under the operations that have been in existence there for the last 15 or 20 years?—A. Certainly not. That is not a fact. The timber on the Bad River Reservation that is now under consideration, and that has been cut during the time I have been in the service, and ever since the recent sale, which would be as I have said before two or three years prior to that, was timber that they could not sell at any price prior to that. The good timber had been cut off.

Q. Was not there a great deal of complaint made by the Indians regarding the plan that was in operation in Wisconsin?—A. Now, I presume there are complaints coming up. I have never happened to run across any objections to that plan.

Q. Was not a part of the plan of the Stearns Lumber Co. to have its own store there?—A. No; that has nothing whatever to do with it. That is not the policy.

Q. That is not a part of your business?—A. That is not a part of the plan. That is an independent enterprise.

Q. But was not that the fault that was found there, that they made it a part of the plan?—A. Oh, I think some questions as to the treatment at the store were discussed.

Q. And was not also some fault found with the part of the plan where the funds were put into the agent's hands and the Indian had to pay $25 for every $100 that he drew? Wasn't that testified to in this hearing?—A. I didn't hear that testimony, but if it is a fact, there will be some ground for complaint, I should say.

Q. Of course. But is it not a fact?—A. It is not a fact. However, I will state that they didn't have to make any such payments. There may have been a case where an order was issued by some one, and in that event it would be the fault strictly of the official; the Indian's money is placed to his credit in the bank and draws 3 per cent interest on open account; and if an order was issued—I am not talking by that book, I am giving you the facts. And if an order was issued to purchase something and some official, by some method should get it discounted $25 or something to that effect, why it would not have any relation to the plan; the fellow ought to be made to settle for it. I think one or two of these charges resulted in the retirement of a man connected with the agency that came to light in the adjustment of some matters.

Q. Under Senate resolution No. 263 was the investigation I referred to. Didn't a large number of witnesses come in and state that they had to pay $25 and upwards in order to get their money from the agency clerk?—A. No; I don't recall. There may have been testimony that they secured it. There are several thousand contracts let; I knew some. I never heard, by the way, of more than a few cases during the entire transaction of that nature, and that has nothing whatever to do with the plan. That is a question of honesty of one man or another. If the agent has no authority, the Government does not authorize any such transaction; there is

no such thing in the law nor in the rules, and if a man is crooked it is the man you want to get after.

Q. Was not that the objection to the plan?—A. There is no objection that I ever heard of over there, unless somebody comes up and makes some such complaint as you refer to about having been put in that position; I have heard of none.

Q. Have you heard whether there is a delegation at Washington to-day protesting against that plan?—A. There is not, to my knowledge, and never has been. They are asking to have the balance of the lands allotted, and the same question is up that I have mentioned here. Parties have selected their allotments and they have not been approved. Now, some have selected much better allotments than remain for the others, and the office has partly committed itself to have the timber cut and the proceeds pro rated to those entitled to participate in the additional allotment list.

Q. Now, when did that plan—when was that plan first adopted in Wisconsin?—A. At the time the sale took place, as I stated before; it was three or four years before I entered the service, and the rules and regulations have been modified greatly since that time.

Q. And how much did the Indians receive for their timber? What was the contract price?—A. At what time?

Q. Well, when you arrived there.—A. Oh, I think they received $2 a thousand for Norway and dead and down timber, $4 for green timber, and 65 cents for shingle timber. Over that question I had my first clash with Mr. Herrick.

Q. How long did that price continue after you took charge?—A. The shingle timber—I eliminated it almost immediately for the shingle timber.

Q. How much was shingle timber worth; how much did they pay for it?—A. Sixty-five cents.

Q. And merchantable dead and down?—A. Why, I recall, $2.

Q. And green white pine?—A. $4, as I remember.

Q. And green Norway; how much for green Norway?—A. I am inclined to think that it is $2; that is what I stated on the start.

Q. And hemlock; how much?—A. Well, you have the figures before you there; it was a dollar and a half, I believe.

Q. It was $2, was it not; and elm, $2; maple, $2; birch, $2; oak, $4?—A. That is right.

Q. Now, how long after you got there was the price changed?—A. With the exception of changing the scale or holding that there was no shingle timber beyond what they actually used for making shingles, and they weren't making any shingles, the contract had lived its limit, whatever it was, I think 10 years.

Q. Now, why did you have the shingle portion eliminated from the contract?—A. Because there was no such timber.

Q. Did they not, at that time, take a good deal of good timber and call it shingle timber?—A. They did.

Q. Now, it was, most of it, shingle timber, was it not?—A. Oh, no.

Q. Well, enough to cause you to eliminate it from the contract?—A. Yes. I think the changes I made that first year, if it was figured, would result in increasing the amount received by the Indians $30,000 annually.

Q. And they sold that timber at those prices for 10 years?—A. I think the contract was for 10 years. Now, for the information of

the committee, I want to state at this time that that was a superior price and what timber of equal quality was bringing in Minnesota or elsewhere in Wisconsin at the time the sale took place. In fact it was hard to get any banks to finance the company, and in fact the records will show that during their early operations they ran away behind on the contracts on the raise in stumpage for four or five years, which put an entirely different phase on the proposition.

Q. That was in existence for 10 years, that they sold at those prices?—A. I believe the limit of the original contract was 10 years, but all subsequent contracts were made with the limit to expire within 10 years from the date the agreement was entered into with the companies.

Q. Now, the prices I have mentioned here were fixed by rules which were approved December 6, 1893, were they not?—A. I am inclined to think those are the rules.

Q. They continued to exist until 1903, did they not?—A. No; they did not. I varied the rules so far as cutting and scaling was concerned immediately on entering the service.

Q. How about the prices?—A. The prices remained as fixed by the contract, with the exception that I would not permit them to class the timber as shingle timber.

Q. Were the prices increased during that time?—A. The stumpage increased during the last three or four years very much.

Q. And then the next contracts that they made were for $8 a thousand?—A. No; the next contract—the Indians entered into a contract with the company at three dollars and a-half for Norway and five dollars and a-half for white pine, the contracts were approved and executed by the company and the allottees and the superintendent, and went to Washington. And then the question was put up to me as to the value of the timber and stumpage, with the result that we finally closed a sale at $8 for both Norway and white pine. The amount involved was something over four hundred million.

Q. And what year was that?—A. That is pretty hard, to talk ancient history when I have been connected with contracts all over the United States, and I don't like to misstate the dates, or one thing or another.

Q. Well, anywhere near the date. I have it here, but I don't happen to find it readily.—A. I can't get any connection with this thing. I can get my records if you want to go into that. I had some questions up with the Lac du Flambeau Lumber Co.

Q. And those prices prevailed during 1904—those prices that you named, four dollars or three and a half—the original——A. Under what contract? The original contract prices prevailed. There was no way of changing except to make the proper classification; that was the only thing.

Q. Did they get the benefit of the increase in value of that stumpage from 1893 to the present time—the Indians?—A. I have stated what price they got and the size and quality of the timber, and I think it represents a fair value for it. They cut, owing to the fires, something over two hundred million. They were required to do that. That was a part of the plan. Otherwise, that timber, one hunderd and sixty million, would have depreciated by remaining over there until the next season.

Q. Now, in case of a fire, how did you arrive at the value of the timber?—A. Why just the same as if there was no fire. When it is cut you scale it up and get so much a thousand.

Q. Supposing the timber burns up?—A. Well, timber doesn't burn up. It is rarely ever that timber burns up, unless it is old. A fire passing through and burning a green forest doesn't burn timber up, if it isn't cut. It will depreciate if left standing over a summer season.

Q. It destroys a large amount of down timber, does it not?—A. If you had down timber in a forest and it has been dead it would damage that.

Q. It destroys it—a great deal of it?—A. Well, not necessarily. If it has been down very long and the sap has become soggy, and then a fire should pass over it, it might do very little damage.

Q. And do the lumber companies in Wisconsin pay for the damage done—the loss that is sustained by the Indians—by fire?—A. I don't understand that there is any damage. They scale the timber just as though a fire hadn't occurred.

Q. Now, I mean in case of fire before the timber is cut?—A. When timber is burned the company is required to remove it. If they refuse in any case the timber would depreciate—they would be charged up. The timber would be scaled, and they would be charged up with the timber just as though it had been cut green.

Q. Now, supposing they make a contract with an Indian and they don't cut the timber immediately, but hold the contract, and, in the meantime, a large part of that timber is burned. Who stands the loss?—A. The lumber company, absolutely.

Q. How do the lumber company arrive at the amount of timber destroyed by fire?—A. We arrive at it—when the timber is cut it it scaled as though it had been cut green. Timber does not shrink up or shrivel up; it is there; the bark may be off, but if it is left standing there, worms will bore in and depreciate the value; the sap will become defective, and it will become no good for lumber. But it is there, and when it is cut in that condition we scale it and ignore the defects in the sap and those caused by the worms.

Q. Is it not a fact that a large amount of timber is destroyed by fire when it is down, and even some standing is destroyed that is pitchy, that has a great deal of pitch? Isn't that a fact?—A. Such a condition can arise. You take any forest where a portion of the timber has blown down and been allowed to dry up and in a condition to burn, a fire would get in there, that down stuff would retain the fire, so that it would have time to more severely injure the standing timber; but in the average forest, which has not been visited by a large windstorm or cyclone, a fire will pass through without damaging the timber except very slightly.

Q. How do they pay for the timber after it is cut and lumbered—the lumbermen?—A. In checks or money. At $8 a thousand.

Q. Do they immediately pay for it?—A. It is subject to call, as I understand it; and if there is any payment delayed they did at one time pay interest on it; the amount is due the moment it is cut, and on delayed payments they pay interest.

Q. Didn't the Indians make a great deal of complaint about that?—A. Yes; in connection with that feature they have complained, but the company is willing at any time, always has been

and must make payments when called for, but the Indian, on the other hand, has always wanted his money.

Q. Well, he wanted it placed somewhere where he could get a decent rate of interest.—A. He wanted it placed in his own keeping.

Q. Where he could get some interest. Didn't the companies use Indian money there and pay at the rate of 2 or 3 per cent?—A. That is not in my line of supervision; but as I recall, during the time the company cut that large amount of timber, it required the raising of at least a million and a half or two million dollars in cash on short notice to take care of the timber that season, and I believe they are allowed to make delayed payments, and the Indian received the same rate of interest that he would have received had the money been deposited to his credit in the bank. There is not anything peculiar in that. That covers the situation.

Q. Were not a good many complaints made among the Wisconsin Chippewas on account of these several various transactions such as delayed payments, making contracts on the timber, and having it destroyed by fire, etc., and then low scale, and the timber being left in the woods without being hauled to the banks? Were there not causes of complaint?—A. Why, there may have been complaints of that kind.

Q. But was not that the reason that the White Earth people opposed that Wisconsin plan largely?—A. No; I don't think that had any influence particularly in the matter. It was the statements that the Indians had heard about it.

Q. Do you know which Indians heard of the statements?—A. I presume there were as high as 60 or 70 told me the information they had received as to that plan.

Q. Can you name any of them?—A. Why, I can name only three Indians on the reservation that I know of. There are you and the Fairbanks and the Warrens——

Q. Did you hear us make that complaint?—A. They charge you very liberally with representing to them that they would not get anything under the Wisconsin plan; they might get a small stumpage.

Q. Wasn't that of sufficient importance for you to get the names of those men in order to corroborate what you have stated?—A. Why, I might have taken the names; but if I were to devote my time to that sort of gossip I wouldn't have time for anything else.

Q. Wasn't that sort of gossip sufficient for you to make a report and charge those persons with doing things which were clearly in violation of the law?—A. Well, I put in the facts and information as it came to my attention. Men whose names I have given were Indians, telling what had been told them. Your name is well identified with it; you are one I had in mind.

Q. You had me in mind, I had no doubt.—A. Well, I will make it a part of the record.

Q. You have already made it a part of the record; but didn't you make statements which should have caused you or compelled you to make a report to the Indian Office and to produce evidence?—A. Well, if we were having a trial—I wish to state frankly, now, that in the discharge of my official duty I was just as conservative as I could possibly be and be fair in the information I furnished with reference to the conduct of yourself and others that I may have

alluded to. It was such information as I must place before the department. I was not trying a case.

Q. The department, no doubt, became prejudiced against us on account of your report. Would it not have been fair to us for you to name over the persons who made these reports to you, so that we could have refuted them? —A. They were not subject to being refuted. You were on the ground. They were statements that could not come from any other source. You openly made them to me. You openly made them in my hearing to the Indians. You made the statements that were not borne out by the facts.

Q. What statements do you refer to?—A. Statements similar to those you were trying to pick out of that book. You knew all about it then—the Indians who were not paid and the timber left in the woods. It would have taken me all my time to write up that stuff.

Q. Well, you are unable to give the name of any person making any charge against us?—A. I don't say that they made a charge. I told you the information they informed me they had received with reference to your views of what that plan would bring forth. You may have believed that that was the way the plan would operate. I am not questioning that. You may have been honest in regard to what you told them, but they did not have the right information as to the plan, and you know they didn't.

Q. I want to put myself right on the record. You made statements against me which are of record in the office and may be brought out 10 or 15 years from now, if I am still alive, and I will have to face them. I think I should be placed in the position where you could bring some evidence other than mere statements.—A. Well, if you will tell me wherein you believe you were unfairly treated, I will try——

Q. You have charges there that are not true.—A. I don't figure that I made charges there. I stated the situation, which is as well known to you and to me as can be.

Mr. BEAULIEU. That is all.

The WITNESS. The Indians said this in my presence. You made that statement about what would result from the plan, and after the bids were opened you heard the expressions of surprise from the Indians. I don't say that when you were giving them information that you were doing so knowing that it was not entirely correct; but that is the information that they had.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Mr. Farr, in your statement you assert that the Indian Office was in position to have fully protected the property of the Indians and prevent frauds on them. To what particular things do you refer, the special agents that they controlled and the other means of finding out what the facts are?

Mr. FARR. Yes; and the information that was before the office.

Mr. GRAHAM. Which they got from those in the field?

Mr. FARR. Yes; and the records in the office, and the many timber transactions that permit a person without timber experience to be in a position to be rather wise on the subject by comparison, and the many other means—sales and transactions extending over years—that could be brought before them in a very short time.

Mr. GRAHAM. You quote the commissioner when he recommended the reduction of the bids, thus: "Not one of the propositions has,

however, touched the lowest figure that I was advised to demand by a personal representative of the man who made a tour of the reservation." You remarked in regard to that quotation that he didn't inform you as to who that personal representative was. Do you yet know who it was?

Mr. FARR. I do not. I have heard it was some gentleman who was a professor in some university.

Mr. GRAHAM. Mr. Dennis, would you inform us who it was?

Mr. DENNIS. Why, Mr. Warren tells me that he is the expert.

Mr. GRAHAM. What are his initials?

Mr. DENNIS. Edward L. Warren.

Mr. WARREN (in the audience). I beg your pardon, Mr. Chairman, I claimed that Eugene Bruce, of the Forestry Department, is the man who made this tour on instructions from the department, and he invited me to go with him. I did not claim to be the expert, but I mentioned that I must be the expert, because when I got my pay the card was marked "Timber expert." That was the way of it. I never have thought of it since.

Mr. FARR. Was Mr. Bruce with you after the bids were received or before?

Mr. WARREN. Just prior to the opening of the bids he got a telegram from the department to go onto the lands and make this investigation, and he invited me to go with him out there over the country, and I didn't know until we got through, until we got back to the Park Rapids, what his business was.

Mr. GRAHAM. But you went with him officially and got pay for your time?

Mr. WARREN. Yes.

Mr. GRAHAM. Do you remember what recommendation was made by you and Bruce?

Mr. WARREN. He asked me as to my opinion of the valuation of the timber. I made him a price, what I thought the pine timber was worth.

Mr. GRAHAM. What was it?

Mr. WARREN. I put the white pine at $12 and the Norway at $10. He says, "I think your price about right." I had had no experience with oak and made no price on it.

Mr. FARR. Did you, in making that price of $12, intend it should cover all the pine on the reservation?

Mr. WARREN. I did; yes.

EDWARD L. WARREN recalled.

Examined by Mr. DENNIS:

Q. At the time Mr. Beaulieu and Mr. Fairbanks went to St. Paul to interview Senator Clapp in an affort to stop this Herrick sale, did you take any action?—A. I did.

Q. And what did you do?—A. I went to see Congressman Steenerson, at Crookston. He was a Member of Congress at that time, and I went over there and advised with him with reference to the plan of selling the allotment timber.

Q. Well, tell what it was and all about it.—A. Well, he would not give me any assistance in any way. He said he wouldn't have anything to do with it.

Q. That is, you were endeavoring to have him do the same thing that Mr. Beaulieu and Mr. Fairbanks were endeavoring to have Senator Clapp do?—A. Yes; and he said he didn't believe that we had any right to handle any individual allotments in that way.

JOSEPH R. FARR, recalled.

Examined by Mr. GRAHAM:

Q. You said in your statement that the average price received for the pine was $6.56 a thousand. Is that right?—A. That is, with reference to the pine sold by the National Forest Service in the general land business that is being cut under the direction of Mr. O'Neil, who appeared before you yesterday.

Q. Well, was the minimum fixed by the Nelson Act too low—that is, $3 per thousand?—A. Yes; that would not fairly represent the stumpage value of the timber.

Q. You say in your statement that the commissioner read and considered your reports to him, which, if he did, of course gave him additional and full information as to the situation. Now, have you any personal knowledge, either from conversation with him or correspondence with him, that he did actually read your reports?—A. I have his letter, that is now a part of the record, in which he so states and makes reference to, I think, four them; that he had considered them and thanked me for the information.

Q. You also say it would have been difficult if not impossible for the Clapp amendment to have passed if it had not met the approval of the Indian Office. Will you explain a little more fully about this, why you have made that statement?—A. Why, I have noticed that in legislation matters there affecting Indians Congress consults and relies a great deal upon the Commissioner of Indian Affairs, and that it would be difficult, as I stated, to pass a bill of that nature without the approval of the commissioner, in view of the many arguments that have been offered against it since. I take it, at least, that one of them had been urged against it at the time, and that was that no provision was made for the classification of the Indians from which it was intended they should remove the restrictions.

Q. Has it not been a congressional custom for a long time that bills of that character are usually referred to the department which deals with them for the opinion or approval or disapproval of the department or bureau?—A. It is my understanding that all the bills, without exception, are referred there, and it would be unusual if a bill was taken up there that was not referred there, of that nature.

Q. Have you any knowledge whether the Clapp amendment was submitted to the Indian Office?—A. No; I have no personal knowledge.

Q. You state that certain lumbermen and mixed breeds, Indians or whites, favored the passage of the Clapp amendment?—A. Yes.

Q. Had you anyone in mind?—A. Why, I talked with many of them—I believe Mr. Fairbanks and Mr. Beaulieu and Mr. Nichols. I couldn't recall. I think I discussed the subject with perhaps a large number of people that were open in their statements that they were working for that proposition. We disagreed on it, and my position was well known, and I knew their position.

Q. You stated also that when you communicated with the commissioner and gave him your views as to the Herrick bid that it

should be accepted, that you asked to be called into the office for consultation, and that you never received any reply to your letter. Is it the custom when they don't agree with the sentiments expressed in a letter from some one in the field to decline or fail to answer such a letter, or do they answer it? If there is a custom, state it.—A. It is a custom when a question or request is made or a letter written that requires an answer to have an answer sent out.

Q. Did you consider that your letter called for an answer?—A. Yes; I did.

Q. You say that prompt action at that time on the part of the commissioner would have afforded protection to the White Earth Indians. What action had you in mind?—A. The letter upon which that statement is based, I presume, is the one written July 20, 1906; I may have referred to the failure on the part of the Indian Office after the passage of the act to immediately prepare a roll which would have been effective then as notice to purchasers, and even if not entirely correct it would perhaps have been accepted as the dividing line for sales. And to emphasize that I suggested suits. It seems that the office agrees entirely with me, for during the last couple of years they have brought some 1,200 suits.

Q. Were the suits which you then suggested along the same line as the suits which have since been commenced?—A. I presume they must be.

Q. To accomplish the same purpose?—A. Yes; a few sales had taken place at that time, and I thought by bringing action and trying to set aside it would be notice to the public that the sales would have to be meritorious and clean.

Q. You also mentioned in your statement the fact that certain sums of money were spent in lobbying for this character of legislation. You go further and say it was spent by certain lumbermen. Do you wish to say anything further on that subject than the statement which you filed?—A. I don't at this time, any more than what the record discloses and admits trips to Washington and that they were actively opposed to it.

Q. Have you any opinion as to why those who opposed the sale to Herrick which would result in the establishment of large manufacturing plants on the reservation opposed that plan? Why were the White Earth people opposing a plan which would result in the establishment of mills and factories there and the employment of labor there?

Mr. FARR. I don't suppose, as I have already stated, that the Indians were opposed to the plan; but certain mixed bloods and others had led them to believe that the plan was entirely different from what it really was. As I explained before, of certain mixed bloods, their interests were not in harmony with the tribe. A man who is a logger and a business man and ready to purchase and handle timber—he occupies an entirely different position from the average Indian; he occupies exactly the same position as a purchaser who is on the other side of the fence in his business interests.

Mr. GRAHAM. You think, then, that the man who has something to sell should not choose as his agent the man who speculates in that sort of thing.

Mr. FARR. That is a business proposition. I am not criticizing in any way.

Mr. GRAHAM. You are not blaming the man who does not speculate, but you think the other fellow should not let him do it; is that it?

Mr. FARR. That is the point exactly. The lumbermen, many of them, were frank in stating their opposition to the Herrick bid, because it would take the timber out of the market; and if that bid should be rejected, and the timber readvertised, as I frequently suggested to them, we might remedy it in that way; but they were just as much opposed to that. They were not disposed to meet the prices, including the hardwood and everything, and the only recourse left was a readjustment by which they could deal directly with the Indian. That was not a secret; it was advocated openly that that would be the result.

Mr. GRAHAM. That would be the effect of this amendment?

Mr. FARR. Yes; as I have stated as moderately as I could in my reports.

Mr. BURCH. Mr. Farr, if the Indian could only receive, under this Wisconsin plan, so called, $50 payments or thereabouts at a time, from time to time, for his timber, and under the other plan, whatever the purchaser did pay him, he could get it all in a bunch and handle it for himself; might not that have been held up as a temptation for the Indians to oppose it?

Mr. FARR. That was a part of the rumors and statements that were being made on the reservation—that if they sold the timber on some other plan they would get their money, and if they sold it under this plan the Government would have it.

Mr. BURCH. And dole it out to them?

Mr. FARR. Yes; and dole it out to them. There were various statements. It would take me an hour to pretend to enumerate the different little things along that line floating around among the Indians.

Mr. BURCH. It would have a direct influence, would it not, upon some of the Indians who wanted to get it and spend it—an influence of a very seductive character?

Mr. FARR. Yes; it would.

Mr. GRAHAM. I want to present the two views to you for the purpose of getting you to compare them as to their effect on the employment of labor on the reservation. First, the plan that was actually adopted, of selling the timber without requiring those who bought it to manufacture it on the reservation; and second, the plan proposed by Mr. Herrick, in which he binds himself to spend at least $100,000 in erecting plants for manufacturing lumber there. In your statement you suggest—indeed, you state—that with the plant on the reservation a great deal of lumber—of the tree—which without the plant would be wasted, in case the plant were there would be made into useful products. Take into consideration, then, the additional amount of timber that would be wrought up; take the manufacture of boxes, hubs, spokes, and the other things you mentioned in your statement; the operation during the summer time of the plant which Mr. Herrick agreed to put up; and take the working out of the additional lumber which would happen under his plan and compare it with the plan that was in actual operation and give us, if you can, a comparison between the amount of labor it would be employed on the reservation for the mere purpose of

logging on the one hand, and for the purpose of logging and manufacturing under the Herrick plan. Give it in per cents or in any way you can to compare it, if possible.

Mr. FARR. Just offhand, I would state that it would be approximately $2 a thousand more favorable to the Indian, under the plan proposed by the office, and in accordance with the bid made by Mr. Herrick.

Mr. GRAHAM. Could you put that on a percentage basis?

Mr. FARR. It would be difficult to do that.

Mr. GRAHAM. Another question. In case the Herrick bid had been accepted, and he did what he agreed to do in the way of building factories and the working up of the lumber on the ground, was the Indian labor on the reservation capable of doing the work that he would have to have done?

Mr. FARR. It would require outside help; but it would afford a large opportunity for Indians to participate in different parts of the work as they do on other reservations.

Mr. GRAHAM. Is it your experience that they do that?

Mr. FARR. They do, very extensively, on the other reservations.

Mr. GRAHAM. What is the effect of it, on the other reservations, on the Indian's habits of industry? Does he learn to be steady and industrious—a stead worker—in that way?

Mr. FARR. I think it tends to greatly improve them. We have many Indians on the reservation in Wisconsin that are practically equal, at commor labor, to the white man.

Mr. GEORGE. How are their wages?

Mr. FARR. Their wages are just the same.

Mr. GEORGE. What wages to they get?

Mr. FARR. Depending on the position they occupy. Some of them on the Bad River Reservation, I believe, are filling positions in the mill, in the camps, and on the river, drawing as high as $3 to $5 per day; and they get the same rate of wages for common labor as any white man.

Mr. GEORGE. Is the work continuous?

Mr. FARR. Well, under certain conditions they are liable to take a day off now and then; but that passes from them, to a marked extent, in an operation where they have an opportunity to work both winter and summer.

Mr. GRAHAM. You refer to some certain species of timber on the reservation, which was included in Herrick's bid, and would be utilized by him; but which, under the other bids, was a practical loss to the reservation, because it would not be used at all. What kind of timber do you refer to in that?

Mr. FARR. Well, the timber specified in his bid.

Mr. GRAHAM. Referring to Exhibit 40, then, you refer to this paragraph in his proposal:

> In addition to the above bid, I submit bids on the following timber: Spruce timber, $5; tamarack, $2; balsam, $2; poppel, $2; birch, $2.

Is that it?

Mr. FARR. Yes, sir.

Mr. GRAHAM. I think that is all that I want to ask you.

Examined by Mr. DENNIS:

Q. As a matter of fact, have you any information as to who directly stopped the Herrick sale?—A. I have nothing further than

that the commissioner recommended that the bids be rejected. Outside of that I have nothing.

Q. You don't know who it was that induced the commissioner to do so?—A. I have no direct information as to that.

Q. And you referred to "lobbying." You didn't intend to say that there had been any lobbying for the passage of the so-called Clapp Act, did you—this act of June 21, 1906—by the lumber companies?—A. Why, the lumber companies—yes; that might be a fair statement that they had. They were taking an active interest in that, had meetings at different places, and I understood that they had representatives in Washington to present the facts. I believe I could refresh my memory of having a conference with one or two parties—I won't mention the names now—along that line. It was open that they were urging it and expecting to get it through. I think I have a memorandum as to it.

Q. Somebody representing the lumber companies in Washington?—A. Oh, now—that they were urging the passage of the act.

Q. But in the shape of lobbying?—A. Well, perhaps that might not have been a good word. I don't know what construction to put on it. They were urging the passage of the bill, through their friends, and I think the record will show that they were, to some little extent.

Q. Other than postage, stenographers, and——A. Well, it was necessary to have a good showing from the tribe—the Indians of the tribe to come down and sign protests and look up the subject, and they would have to go there and see them.

Q. Did you see any of the Indians in Washington in 1906, outside of Mr. Beaulieu?—A. I didn't refer to Indians coming down to Washington to sign a petition. They are scattered over the reservation and other places, and must be sent to some place for that purpose.

Q. Didn't Mr. Birket go to Washington at one time?—A. I don't know that I know the man.

Q. Did you meet anybody in Washington working with Mr. Beaulieu?—A. I am not certain that I was there during that time. I don't believe I was there. As I say, if you want to give me time to look up memorandum, I think I can mention the people, and such source of information as will be convincing to you; but I want to be careful about mentioning names. They were making an effort, and I might have taken some notes at that time.

Q. Did you ever talk with Steenerson as to the bill?—A. No; I know I did not.

Q. That is all. You need not look up the information. It is not important.

Mr. GRAHAM. I suppose we are through with the witnesses on hand now?

Mr. DENNIS. I would like to ask Mr. Warren some questions as to the subject of the Herrick bid. It seems he had some conversations with this Mr. Bruce, that I would like to bring out.

EDWARD L. WARREN recalled:

Examined by Mr. DENNIS:

Q. Mr. Warren, have you any opinion as to who was directly responsible for the stopping of the Herrick sale, and upon what do you base that opinion.—A. I have an opinion as to who I think stopped

it. In looking over the record of the investigation, it has been laid to the mixed bloods and lumbermen. That is what the evidence has always shown. After I made the trip with Mr. Bruce, and we returned to Cass Lake, I said, "They have rejected this sale over at White Earth, and it looked to me like a pretty fair price." I was not posted as to the amounts of timber. And he said, "It would not make any difference if they could get $25 per thousand, the sale would never have been approved." And the way the case has connected itself up since, he being a forestry man, sent over there on a telegram with instructions to go to Washington before this sale was made, led me to believe that Pinchot was in some way connected with the stopping of that sale in the interest of the forestry reserve.

Q. That is all, unless you wish to say something further.—A. Nothing more, except that——

Mr. GRAHAM. I suppose this is in the nature of a surmise rather than information?

Mr. WARREN. Yes; just the surrounding circumstances.

Mr. GRAHAM. In your mind, things point in that direction?

Mr. WARREN. Yes; led me to believe that he was responsible.

Mr. GRAHAM. That is all. Thank you.

Mr. BEAULIEU. I would like to make a statement. It won't take but a couple of minutes.

Mr. GRAHAM. All right; take five if you want.

Mr. BEAULIEU. I suggested some questions to Mr. Farr which would indicate that I had in my mind that a meeting took place in Chicago, and I want to explain that so that if the committee deems it proper it can subpœna Mr. Michelet, of Minneapolis, when it is on its way back.

Mr. GRAHAM. Mr. Michelet wants to be heard, I think, and the committee wants to hear him.

Mr. BEAULIEU. Yes; and I want this question to be suggested to him in regard to that meeting. During the time that this discussion was taking place about the Herrick bid, Maj. Michelet left White Earth very suddenly and on the following day I was informed that he had been called to Chicago, and he was absent probably four or five days. Upon his return to White Earth he told some parties, some of his friends and some of the office employees, that he had been called down there by a member of the Indian Office; that is, a member of the Indian Office, and that he had met there some Member of Congress—I think it was a Senator; United States Senator—I am quite sure he mentioned Senator Spooner's name. Senator Spooner's name was mentioned. He said that Senator Spooner and this man Stearns, and, I believe, Mr. Herrick and another man, a representative of the Indian Office, met him, Maj. Michelet, at Chicago, and tried to induce him to favor the approval of those White Earth bids.

Mr. GRAHAM. What particular bid?

Mr. BEAULIEU. The Herrick bid. And he stated—or rather the person who gave me this information stated—at that time that he had had a very large offer if he would approve this bid.

Mr. GRAHAM. Now, what do you mean by that? A corrupt offer?

Mr. BEAULIEU. A corrupt offer.

Mr. GRAHAM. In the nature of a bribe?

Mr. BEAULIEU. In the nature of a bribe. And he had turned it down. And I was reminded of this only to-day—of this matter.

And then, in speaking to another man about it, he said, Yes; that the people on the reservation should be thankful to him, and be under obligations to him for that reason, that he had refused to accept that offer. Now, that was the reason I asked Mr. Farr the question I did.

Mr. GRAHAM. What are the question you think should be submitted to Mr. Michelet?

Mr. BEAULIEU. I think he ought to be asked about his trip down there at that time, whom he met, and what the object was of being in Chicago at that meeting.

Mr. GRAHAM. What about this offer to bribe?

Mr. BEAULIEU. And the offer to bribe. I believe I would ask him right out if he had been offered any inducement in the nature of a bribe to favor the approval of the Herrick bids.

Mr. GRAHAM. And if so, by whom?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. You are through with your witnesses?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. I think there are none here at this time who are under orders—except those, who, like the poor, are always with us.

Mr. BURCH. Do I understand that there is no further evidence to be offered at this time?

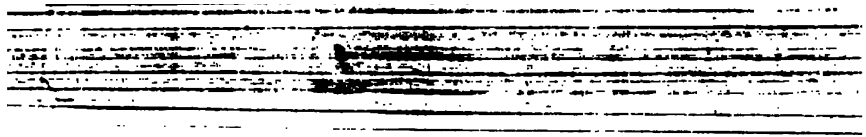
Mr. GRAHAM. Yes. Mr. Dennis has a number of witnesses, but they will come on telephone call when wanted.

Mr. DENNIS. I have arranged for them to come Monday. I supposed I was going right on when Mr. Beaulieu got through.

Mr. GRAHAM. Well, that is extremely probable. But my colleague informs me that we are going to take a vacation, and will not have another meeting here until Tuesday next, as we are going out on the reservation over Sunday. All witnesses present are discharged.

Adjourned till 10 a. m. Tuesday, February 20, 1912.

LPMy '12



LIBRARY OF CONGRESS
0 014 132 639 9